

WEDNESDAY, MAY 19, 2004

NINETIETH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Mr. Chase Johnson of Old Hopewell M.B. Church in Sumner County, a guest of Senator Atchley.

PLEDGE OF ALLEGIANCE

Senator Bryson led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

STANDING COMMITTEE REPORTS

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1388 with amendment; also, recommend that Senate Bills Nos. 117 with amendment and 3342 with amendment be referred to Committee on Finance, Ways and Means.

COOPER, Chairperson
May 18, 2004

The Speaker announced that he had referred Senate Bill No. 1388 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 117 with amendment and 3342 with amendment to Committee on Finance, Ways and Means.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 30, 525, 2277 with

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amendment, 2457, 2520, 2842, 2975, 3139, 3148 with amendment, 3217, 3385, 3417, 3434 with amendment and 3456 with amendment.

HENRY, Chairperson
May 18, 2004

The Speaker announced that he had referred Senate Bills Nos. 30, 525, 2277 with amendment, 2457, 2520, 2842, 2975, 3139, 3148 with amendment, 3217, 3385, 3417, 3434 with amendment and 3456 with amendment to Committee on Calendar.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 117 with amendment, 429, 2458, 2606 with amendment, 2861 with amendment and 3019 with amendment; and House Joint Resolution No. 1078 with amendment.

HENRY, Chairperson
May 18, 2004

The Speaker announced that he had referred Senate Bills Nos. 117 with amendment, 429, 2458, 2606 with amendment, 2861 with amendment and 3019 with amendment; and House Joint Resolution No. 1078 with amendment to Committee on Calendar.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3415 with amendments.

HENRY, Chairperson
May 19, 2004

The Speaker announced that he had referred Senate Bill No. 3415 with amendments to Committee on Calendar.

MOTION

Senator Ford moved that Rule 83 be suspended for the purpose of allowing the Committee on General Welfare, Health and Human Resources to meet at 11:00 a.m. today before the Senate reconvenes to consider **Senate Bill No. 532**, which motion prevailed.

MOTION

Senator Crowe moved that **Senate Bill No. 2785** be rereferred to the Committee on Calendar, which motion prevailed.

RECESS

Senator Crutchfield moved the Senate stand in recess until 11:00 a.m. today, which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 51, 214, 962 with amendment, 1907, 2114 with amendments and 2469.

HENRY, Chairperson
May 19, 2004

The Speaker announced that he had referred Senate Bills Nos. 51, 214, 962 with amendment, 1907, 2114 with amendments and 2469 to Committee on Calendar.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 532.

FORD, Chairperson
May 19, 2004

The Speaker announced that he had referred Senate Bill No. 532 to Committee on Calendar.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

May 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2813. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2329. The House acceded to the request of the Senate for appointment of Conference Committee. The Speaker appointed the following members: Rinks, Briley and McKee.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2276. The House nonconcurred in Senate Amendment No. 1, as amended.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2565. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3320, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2594, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 12, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 596, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

May 13, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2180, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2571, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3336, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2915, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2152, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3528 by Senator Graves.

Sumner County -- Subject to local approval, redesignates title "county mayor" to "county executive".

Senate Bill No. 3529 by Senator Ramsey.

Johnson County -- Subject to local approval, authorizes Johnson County to exercise zoning power on all activities, businesses or uses of property subject to regulation pursuant to Tennessee Code Annotated, Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; and Title 69, Chapters 3, 8, 11 and 12.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 779 -- Health Care -- Increases revenues earmarked and paid into traumatic brain injury fund administered by Department of Health. Amends TCA Title 68, Chapter 55, Part 3.

House Bill No. 1302 -- Taxes, Excise -- Creates tax credit for qualified contributions for K-12 scholarships for students on free or reduced-price school lunch program. Amends TCA Title 49 and Title 67, Chapter 4.

House Bill No. 1573 -- Game and Fish Laws -- Requires kill tags for deer to be in two parts, one for carcass of deer, one for head of deer; requires kill tag for head of deer be secured if head is removed. Amends TCA Title 67 and Title 70.

House Bill No. 1972 -- Pensions and Retirement Benefits -- Permits state employees and certain teachers on educational leave of absence to establish retirement credit for leave periods. Amends TCA Section 8-34-606.

House Bill No. 2160 -- Taxes, Sales -- Exempts sales of motor vehicles to members of Tennessee National Guard on federal active military service during periods of hostilities from sales and use tax. Amends TCA Section 67-6-303.

House Bill No. 2166 -- Real Property -- Enacts the "Neighborhood Preservation Act".

House Bill No. 2249 -- Safety -- Requires nursing homes and state university student housing to adopt fire safety standards as approved by the Department of Health; at a minimum such standards must address the use of water sprinklers or other fire safety and prevention devices or alarms. Amends TCA Title 49 and Title 68.

House Bill No. 2385 -- Safety -- Empowers the Department of Health to inspect, test and quarantine any property used for the manufacture of methamphetamine, and allows those activities to be considered in the calculation of restitution for the cost of making the property safe for human use. Amends TCA Title 68.

House Bill No. 2519 -- Firefighters -- Raises per diem payment to members of the commission on firefighting personnel standards and education from \$50.00 to \$100 per day for assisting a local firefighting unit; removes \$300 yearly per member cap, and creates a new allowance of \$100 per diem payment plus travel costs for those attending a commission meeting. Amends TCA Title 4, Chapter 24.

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House Bill No. 2674 -- Highway Signs -- "Robert C. Lanier Bridge", Germantown Parkway (S.R. 177) over Wolf River in Shelby County.

House Bill No. 2861 -- Lottery, Scholarships and Programs -- Permits students pursuing vocational/technical training to obtain lottery scholarships if they achieve overall high school grade point average of 3.0 and 3.0 in technical preparation curriculum. Amends TCA Title 49, Chapter 4, Part 9.

House Bill No. 2911 -- Garnishments and Executions -- Requires six-month period for second and later garnishments on same debtor to begin running upon filing with court clerk. Amends TCA Title 26, Chapter 2, Part 2.

House Bill No. 2931 -- Codes -- Increases fees for inspection of electrical services. Amends TCA Title 68, Chapter 102, Part 1.

House Bill No. 2976 -- Education -- Requires Department of Education to create online assessment system for student use to measure and provide feedback concerning student knowledge and skills in TCAP and Gateway subject areas. Amends TCA Title 49.

House Bill No. 2978 -- Education -- Creates demonstration project for teaching of certain courses in public schools by videoconferencing. Amends TCA Title 49.

House Bill No. 3008 -- Arrests -- Deletes certain procedures and standards pertaining to the issuance of warrants of arrest. Amends TCA Title 40, Chapter 6, Part 2.

House Bill No. 3017 -- Lottery, Charitable -- Requires 501(c)(3) organizations authorized to conduct an annual event in calendar year 2004 to file an accounting with the comptroller of the treasury within 60 days after such event. Amends TCA Title 3; Title 4; Title 39 and Title 48.

House Bill No. 3067 -- Gas, Petroleum Products, Volatile Oils -- Enacts the "Tennessee Agricultural Ethanol Production Act of 2004". Amends TCA Title 68, Chapter 135.

House Bill No. 3146 -- Registers of Deeds -- Requires registers of deeds to accept instruments submitted with legal fees which exceed the required amount; allows a register of deeds to retain \$2.00 per instrument before refunding the remaining excess legal fees submitted. Amends TCA Title 8, Chapter 13, Part 1.

House Bill No. 3169 -- Computers and Electronic Processing -- Increases from two to three nonvoting members of the information systems council; increases from one to two state employee members of the information systems council having experience in the field of information systems and selected by the state employees association. Amends TCA Title 4, Chapter 3, Part 10 and Title 4, Chapter 3, Part 55.

House Bill No. 3252 -- Tort Liability -- Requires medical malpractice insurers to submit information to Department of Commerce and Insurance regarding claims and lawsuits on forms prescribed by the department. Amends TCA Title 56.

House Bill No. 3403 -- Criminal Offenses -- Creates Class C felony offense of identity theft trafficking; declares that victim of identity theft is also a crime victim; establishes method for law enforcement to obtain records from public or private entity in cases of identity theft; and establishes

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standards for destruction of records maintained by private entity that contain personal identifying information concerning a client. Amends TCA Title 39, Chapter 14, Part 1 and Title 40, Chapter 38.

House Bill No. 3429 -- District Attorneys -- Increases the number of assistant district attorneys general by at least one in certain judicial districts. Amends TCA Title 16, Chapter 2, and Title 8, Chapter 14.

House Bill No. 3449 -- Hospitals and Health Care Facilities -- Requires outpatient diagnostic centers to be licensed. Amends TCA Title 11 and Title 68, Chapter 1.

House Bill No. 3458 -- Criminal Offenses -- Redefines "aggravated cruelty" to include failure to provide food and water to companion animal resulting in substantial risk of death or death. Amends TCA Title 39, Chapter 14, Part 2.

House Bill No. 3545 -- Taxes, Excise -- Establishes procedures for requesting an extension of time in which to file tax return.

House Bill No. 3591 -- Food and Food Products -- Exempts from food service establishment requirements occasional sales of food by senior citizens community centers that are less than 125 hours in duration. Amends TCA Section 68-14-302(6).

House Bill No. 3601 -- Washington County -- Subject to local approval, allows certain fire departments to sell fireworks on a limited basis in Washington County.

House Bill No. 3603 -- Lynnville -- Subject to local approval, revises charter. Amends Chapter 289 of the Private Acts of 1965; as amended.

House Bill No. 3615 -- Macon County -- Subject to local approval, authorizes Macon County to levy and collect a development/impact fee.

House Bill No. 3617 -- Cumberland County -- Subject to local approval, revises Cumberland Plateau Regional Water Authority Act. Amends Chapter 45 of the Private Acts of 1999.

House Bill No. 3619 -- Morgan County -- Subject to local approval, redesignates the office of "county mayor" in Morgan County as "county executive".

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 3525 held on desk.

Senate Bill No. 3526 held on desk.

Senate Bill No. 3527 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

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Senate Joint Resolution No. 1179 by Senator Graves.

Memorials, Congress -- Urges the Federal Energy Regulatory Commission to disapprove an application requesting an interconnection between the Peabody Energy Corporation's Thoroughbred Energy Campus and the Tennessee Valley Authority's transmission system.

Senate Joint Resolution No. 1180 by Senator Burks.

Memorials, Interns -- Melissa Aldridge.

Senate Joint Resolution No. 1181 by Senator Graves.

Memorials, Personal Occasion -- Larry and Wanda Collins, 50th wedding anniversary.

Senate Joint Resolution No. 1182 by Senator Herron.

Memorials, Academic Achievement -- Brittney McCall Mebane, Valedictorian, Gleason High School.

Senate Joint Resolution No. 1183 by Senator Herron.

Memorials, Academic Achievement -- Kristie Lynn Newsom, Salutatorian, Gleason High School.

Senate Joint Resolution No. 1184 by Senator Herron.

Memorials, Public Service -- Richard J. Hanks.

Senate Joint Resolution No. 1185 by Senator Herron.

Naming and Designating -- "Law Enforcement Week", July 4-10, 2004.

Senate Joint Resolution No. 1186 by Senator Herron.

Naming and Designating -- Week of September 11, 2004, as "Firefighters' Week" in Tennessee.

Senate Joint Resolution No. 1187 by Senator Bryson.

Memorials, Interns -- Jessa Fahey.

Senate Joint Resolution No. 1188 by Senator Cooper.

Memorials, Recognition -- 125th anniversary of *The Southern Standard* newspaper.

Senate Joint Resolution No. 1189 by Senator Southerland.

Memorials, Professional Achievement -- Bobbie Christiansen, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1190 by Senator Southerland.

Memorials, Professional Achievement -- Cindy Kelley, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1191 by Senator Southerland.

Memorials, Professional Achievement -- Cindy Sams, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1192 by Senator Southerland.

Memorials, Professional Achievement -- Gina Broyles, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1193 by Senators Southerland and Kyle.

Memorials, Professional Achievement -- Louann Southerland, Greenville School System Teacher of the Year.

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Senate Joint Resolution No. 1194 by Senator Southerland.

Memorials, Professional Achievement -- Jamie Sandel, Greeneville School System Teacher of the Year.

Senate Joint Resolution No. 1195 by Senator Southerland.

Memorials, Professional Achievement -- Julie Shelton, Greeneville School System Teacher of the Year.

Senate Joint Resolution No. 1196 by Senator Southerland.

Memorials, Professional Achievement -- Billy Joe Wilds, Greeneville School System Teacher of the Year.

Senate Joint Resolution No. 1197 by Senator Herron.

Memorials, Academic Achievement -- Stephen Allbritten, Salutorian, Henry County High School.

Senate Joint Resolution No. 1198 by Senator Herron.

Memorials, Academic Achievement -- Georgianne Horma, Valedictorian, Lake County High School.

Senate Joint Resolution No. 1199 by Senator Herron.

Memorials, Academic Achievement -- Elizabeth Keefe, Salutatorian, Lake County High School.

Senate Joint Resolution No. 1200 by Senators Burchett, Person, Atchley, Beavers, Bryson, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder.

Naming and Designating -- June 14-20, 2004, "Men's Health Week" in Tennessee.

Senate Joint Resolution No. 1201 by Senator McNally.

Memorials, Recognition -- Oak Ridge Fire Department, First Responder Department of the Year.

Senate Joint Resolution No. 1202 by Senator Herron.

Memorials, Recognition -- Gordon Stoker.

Senate Joint Resolution No. 1203 by Senator Jackson.

Memorials, Death -- Dr. Joseph William Remke, Jr.

Senate Resolution No. 228 by Senators Ketron, Williams, Person, Cooper, Harper, Graves and Mr. Speaker Wilder.

Memorials, Heroism -- 3-115 Ordnance Detachment, Tennessee National Guard.

Senate Resolution No. 229 by Senators Ketron, Person, Norris, Kyle, Cohen, Ford and Dixon.

Memorials, Heroism -- 3-115 Field Artillery Battalion, Memphis/Covington.

Senate Resolution No. 230 by Senators Ketron, Beavers and Jackson.

Memorials, Heroism -- 267th Military Police Company, Tennessee National Guard.

Senate Resolution No. 231 by Senators Ketron, Jackson, Kyle and Dixon.

Memorials, Heroism -- 771st Maintenance Company, Tennessee National Guard.

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Senate Resolution No. 232 by Senators Ketron, Crowe, Kyle and Dixon.
Memorials, Heroism -- 730th Quartermaster Company, Tennessee National Guard.

Senate Resolution No. 233 by Senators Ketron and Kyle.
Memorials, Heroism -- 30th Finance Battalion, Tennessee National Guard.

Senate Resolution No. 234 by Senators Ketron and Kyle.
Memorials, Heroism -- 1130th Finance Detachment, Tennessee National Guard.

Senate Resolution No. 235 by Senators Ketron and Kyle.
Memorials, Heroism -- 1129th Finance Detachment, Tennessee National Guard.

Senate Resolution No. 236 by Senators Ketron and Kyle.
Memorials, Heroism -- 1128th Finance Detachment, Tennessee National Guard.

Senate Resolution No. 237 by Senators Ketron and Kyle.
Memorials, Heroism -- 230th Army Liaison Team, Smyrna.

Senate Resolution No. 238 by Senators Ketron and Kyle.
Memorials, Heroism -- Company E, 107th Aviation, Smyrna.

Senate Resolution No. 239 by Senators Ketron, Cooper and Kyle.
Memorials, Heroism -- 212th Engineer Company, Tennessee National Guard.

Senate Resolution No. 240 by Senators Ketron, Cooper and Kyle.
Memorials, Heroism -- 1-115 Field Artillery Battalion, FWD, Tennessee National Guard.

Senate Resolution No. 241 by Senators Ketron, Mr. Speaker Wilder, Cooper and Kyle.
Memorials, Heroism -- 1175th Transportation Company, Tennessee National Guard.

Senate Resolution No. 242 by Senators Ketron, Cooper and Kyle.
Memorials, Heroism -- 130th Rear Area Operation Center, Tennessee National Guard.

Senate Resolution No. 243 by Senators Ketron, Henry, Bryson, Herron, Jackson and Kyle.
Memorials, Heroism -- 777th Maintenance, Forward Deployment, Nashville/Lewisburg.

Senate Resolution No. 244 by Senators Ketron, Harper, Bryson, Haynes, Henry and Kyle.
Memorials, Heroism -- State Area Command, Forward Deployment 5, Nashville.

Senate Resolution No. 245 by Senators Ketron, Bryson, Haynes, Henry, Harper and Kyle.
Memorials, Heroism -- 278th Military Intelligence Company, FWD, Tennessee National Guard.

Senate Resolution No. 246 by Senators Ketron, Bryson, Haynes, Henry, Harper and Kyle.
Memorials, Heroism -- State Area Command, Forward Deployment 6, Nashville.

Senate Resolution No. 247 by Senators Ketron, Burchett, Herron, Jackson, Haynes and Kyle.
Memorials, Heroism -- 105th Personnel Services Battalion, Tennessee National Guard.

Senate Resolution No. 248 by Senators Ketron, Bryson, Haynes, Henry, Harper and Kyle.
Memorials, Heroism -- 173rd Personnel Services Detachment, Tennessee National Guard.

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Senate Resolution No. 249 by Senators Ketron, Bryson, Haynes, Henry, Harper and Kyle. Memorials, Heroism -- 568th Personnel Services Detachment, Tennessee National Guard.

Senate Resolution No. 250 by Senators Ketron, Harper, Bryson, Haynes, Henry and Kyle. Memorials, Heroism -- State Area Command, Forward Deployment 7, Nashville.

Senate Resolution No. 251 by Senators Ketron, Harper, Bryson, Haynes, Henry and Kyle. Memorials, Heroism -- 777th Maintenance Company, Nashville/Lewisburg.

Senate Resolution No. 252 by Senators Ketron, Mr. Speaker Wilder and Kyle. Memorials, Heroism -- HHSB, 2-115 Field Artillery, Forward Deployment, Henderson.

Senate Resolution No. 253 by Senators Ketron, Mr. Speaker Wilder and Kyle. Memorials, Heroism -- HHSB, 2-115 Field Artillery, Henderson.

Senate Resolution No. 254 by Senators Ketron, Mr. Speaker Wilder and Kyle. Memorials, Heroism -- Battery C, 2-115 Field Artillery, Bolivar/Selmer.

Senate Resolution No. 255 by Senators Ketron, Fowler and Kyle. Memorials, Heroism -- 731st Ordnance Detachment, Tennessee National Guard.

Senate Resolution No. 256 by Senators Ketron, Fowler and Kyle. Memorials, Heroism -- 1-181st Field Artillery Battalion, Tennessee National Guard.

Senate Resolution No. 257 by Senators Ketron, Atchley, Burchett, McNally and Kyle. Memorials, Heroism -- 1-146 Medical Company, Knoxville.

Senate Resolution No. 258 by Senators Ketron, Clabough and Kyle. Memorials, Heroism -- 4th Squadron of the 278th Armored Cavalry Regiment, Smyrna/Alcoa.

Senate Resolution No. 259 by Senators Ketron, Trail and Kyle. Memorials, Heroism -- 269th Military Police Company, Tennessee National Guard.

Senate Resolution No. 260 by Senators Ketron, McLeary and Kyle. Memorials, Heroism -- 775th Engineer Detachment, Tennessee National Guard.

Senate Resolution No. 261 by Senators Ketron and McLeary. Memorials, Heroism -- 194th Engineers, Forward Deployment 3, Jackson.

Senate Resolution No. 262 by Senators Ketron, McLeary and Kyle. Memorials, Heroism -- 194th Engineers Forward Deployment, Jackson.

Senate Resolution No. 263 by Senators Ketron, Norris and Kyle. Memorials, Heroism -- 268th Military Police Company, Ripley/Dyersburg.

Senate Resolution No. 264 by Senators Ketron, Beavers and Kyle. Memorials, Heroism -- 168th Military Police Battalion, Tennessee National Guard.

Senate Resolution No. 265 by Senators Ketron, Crowe and Kyle. Memorials, Heroism -- 776th Maintenance, Elizabethton.

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Senate Resolution No. 266 by Senator Trail.
Memorials, Retirement -- Carol Livingston.

Senate Resolution No. 267 by Mr. Speaker Wilder.
Memorials, Death -- James C. Robbins.

Senate Resolution No. 268 by Senator Crutchfield.
Memorials, Interns -- Sherene Gharanfoli.

Senate Resolution No. 269 by Senator Norris.
Memorials, Public Service -- Elaine Pedigo, Citizen of the Year.

Senate Resolution No. 270 by Senator Crowe.
Memorials, Interns -- Neesha Shah.

RESOLUTIONS LYING OVER

House Joint Resolution No. 940 -- Memorials, Sports -- John Wade Tucker, Tennessee Sports Hall of Fame.

The Speaker announced that he had referred House Joint Resolution No. 940 to Committee on Calendar.

House Joint Resolution No. 977 -- Highway Signs -- Designates State Route 30 in Warren County the "Veterans Memorial Highway".

The Speaker announced that he had referred House Joint Resolution No. 977 to Committee on Transportation.

House Joint Resolution No. 1269 -- Naming and Designating -- National Tourism Week, May 8-16, 2004.

The Speaker announced that he had referred House Joint Resolution No. 1269 to Committee on State and Local Government.

Senate Joint Resolution No. 1153 -- Memorials, Recognition -- Rabbi Peter R. Light, Beth Sholom Synagogue in Memphis.

The Speaker announced that he had referred Senate Joint Resolution No. 1153 to Committee on Calendar.

Senate Joint Resolution No. 1155 -- Memorials, Death -- Dr. John Lynwood Herrington, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 1155 to Committee on Calendar.

Senate Joint Resolution No. 1156 -- Memorials, Interns -- Travis Frank Brown.

The Speaker announced that he had referred Senate Joint Resolution No. 1156 to Committee on Calendar.

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Senate Joint Resolution No. 1157 -- Memorials, Academic Achievement -- Michael Lamb, 2004 Rhodes Scholar-Elect.

The Speaker announced that he had referred Senate Joint Resolution No. 1157 to Committee on Calendar.

Senate Joint Resolution No. 1158 -- Memorials, Sports -- Greenfield 9- and 10-year-old All-Star baseball team.

The Speaker announced that he had referred Senate Joint Resolution No. 1158 to Committee on Calendar.

Senate Joint Resolution No. 1159 -- Memorials, Heroism -- Company C, 46th Engineers, Tennessee National Guard.

The Speaker announced that he had referred Senate Joint Resolution No. 1159 to Committee on Calendar.

Senate Joint Resolution No. 1160 -- Memorials, Heroism -- Battery A, 2-115 Field Artillery Battalion, Lexington.

The Speaker announced that he had referred Senate Joint Resolution No. 1160 to Committee on Calendar.

Senate Joint Resolution No. 1161 -- Memorials, Heroism -- Company C, 230th Engineers, Camden.

The Speaker announced that he had referred Senate Joint Resolution No. 1161 to Committee on Calendar.

Senate Joint Resolution No. 1162 -- Memorials, Heroism -- 1171st Transportation Company, Tennessee National Guard.

The Speaker announced that he had referred Senate Joint Resolution No. 1162 to Committee on Calendar.

Senate Joint Resolution No. 1163 -- Memorials, Heroism -- 1174th Transportation Company, Tennessee National Guard.

The Speaker announced that he had referred Senate Joint Resolution No. 1163 to Committee on Calendar.

Senate Joint Resolution No. 1164 -- Memorials, Heroism -- Company B, 230th Engineers, Huntingdon/Lobelville.

The Speaker announced that he had referred Senate Joint Resolution No. 1164 to Committee on Calendar.

Senate Joint Resolution No. 1165 -- Memorials, Academic Achievement -- Kyle J. Phillips, Valedictorian, Decatur County Riverside High School.

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The Speaker announced that he had referred Senate Joint Resolution No. 1165 to Committee on Calendar.

Senate Joint Resolution No. 1166 -- Memorials, Academic Achievement -- Chelsey Beth Johnson, Salutatorian, Decatur County Riverside High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1166 to Committee on Calendar.

Senate Joint Resolution No. 1167 -- Memorials, Academic Achievement -- Heather Brown, Valedictorian, Lexington High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1167 to Committee on Calendar.

Senate Joint Resolution No. 1168 -- Memorials, Academic Achievement -- Megan Nichole Malin, Valedictorian, Camden Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1168 to Committee on Calendar.

Senate Joint Resolution No. 1169 -- Memorials, Academic Achievement -- Kimmie Taylor, Salutatorian, Camden Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1169 to Committee on Calendar.

Senate Joint Resolution No. 1170 -- Memorials, Academic Achievement -- Hunter O'Neal Galloway, Valedictorian, South Fulton High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1170 to Committee on Calendar.

Senate Joint Resolution No. 1171 -- Memorials, Academic Achievement -- Jacob Aaron Evers, Salutatorian, South Fulton High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1171 to Committee on Calendar.

Senate Joint Resolution No. 1172 -- Memorials, Academic Achievement -- Joshua Ryan Owens, Valedictorian, Obion County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1172 to Committee on Calendar.

Senate Joint Resolution No. 1173 -- Memorials, Academic Achievement -- Jared Barnes, Salutatorian, Obion County Central High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1173 to Committee on Calendar.

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Senate Joint Resolution No. 1174 -- Memorials, Personal Occasion -- Ed and Joyce Bousson, 50th wedding anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 1174 to Committee on Calendar.

Senate Joint Resolution No. 1176 -- Memorials, Interns -- Matt McAdoo.

The Speaker announced that he had referred Senate Joint Resolution No. 1176 to Committee on Calendar.

Senate Joint Resolution No. 1177 -- Memorials, Academic Achievement -- Kevin Sermeno, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1177 to Committee on Calendar.

Senate Resolution No. 222 -- Memorials, Interns -- Andrew W. Harper.

The Speaker announced that he had referred Senate Resolution No. 222 to Committee on Calendar.

Senate Resolution No. 224 -- Memorials, Personal Occasion -- James Perry Dendrinis, birth.

The Speaker announced that he had referred Senate Resolution No. 224 to Committee on Calendar.

Senate Resolution No. 225 -- Memorials, Professional Achievement -- Brian Mabry.

The Speaker announced that he had referred Senate Resolution No. 225 to Committee on Calendar.

Senate Resolution No. 226 -- Memorials, Interns -- Bridget Nicole Baggett.

The Speaker announced that he had referred Senate Resolution No. 226 to Committee on Calendar.

Senate Resolution No. 227 -- Memorials, Heroism -- 155th Engineer Company, Tennessee National Guard.

The Speaker announced that he had referred Senate Resolution No. 227 to Committee on Calendar.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 940 -- Memorials, Sports -- John Wade Tucker, Tennessee Sports Hall of Fame.

House Joint Resolution No. 1208 -- Memorials, Personal Occasion -- Austin P. and Helen Merritt Wheatley, 50th wedding anniversary.

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House Joint Resolution No. 1209 -- Memorials, Recognition -- Johnson County 4-H Horse Judging Team.

House Joint Resolution No. 1210 -- Memorials, Retirement -- Bonita Grumme.

House Joint Resolution No. 1211 -- Memorials, Recognition -- William Kenneth Knight.

House Joint Resolution No. 1212 -- Memorials, Death -- Deputy Jason Scott.

House Joint Resolution No. 1213 -- Memorials, Recognition -- George Scales, Jr.

House Joint Resolution No. 1214 -- Memorials, Recognition -- Eugene Ray.

House Joint Resolution No. 1215 -- Memorials, Recognition -- Richard Britton.

House Joint Resolution No. 1216 -- Memorials, Interns -- Erick Burroughs.

House Joint Resolution No. 1217 -- Memorials, Interns -- Van Roberts.

House Joint Resolution No. 1218 -- Memorials, Congratulations -- Mt. Juliet High School Choir, Grand Champion of Fiesta-val Choir Competition.

House Joint Resolution No. 1219 -- Memorials, Professional Achievement -- Len Rossi, Professional Wrestling Hall of Fame.

House Joint Resolution No. 1220 -- Memorials, Congratulations -- Edward Franklin "Frankie" Adams II, Kingsport Youth of the Year.

House Joint Resolution No. 1221 -- Memorials, Personal Occasion -- Lloyd and Sheila Morton, 50th wedding anniversary.

House Joint Resolution No. 1222 -- Memorials, Academic Achievement -- Bethany Gonzales, Co-Valedictorian, Zion Christian Academy.

House Joint Resolution No. 1223 -- Memorials, Recognition -- Ben Diles.

House Joint Resolution No. 1224 -- Memorials, Recognition -- Linda Wilson.

House Joint Resolution No. 1226 -- Memorials, Professional Achievement -- Ron Thomas, TWHNC Hall of Fame.

House Joint Resolution No. 1227 -- Memorials, Professional Achievement -- Tim Gray, TWHNC Hall of Fame.

House Joint Resolution No. 1228 -- Memorials, Public Service -- Mayor Mike Webb.

House Joint Resolution No. 1229 -- Memorials, Professional Achievement -- Jacqueline M. Pitt, Wilson County Teacher of the Year.

House Joint Resolution No. 1230 -- Memorials, Retirement -- R.J. Hayes.

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House Joint Resolution No. 1231 -- Memorials, Congratulations -- Lakewood Baptist Church in Donelson.

House Joint Resolution No. 1233 -- Memorials, Recognition -- Dana "Tommy" Thomas.

House Joint Resolution No. 1234 -- Memorials, Academic Achievement -- Matt Schrimpf, Centennial High School, 2004 Presidential Scholar.

House Joint Resolution No. 1235 -- Memorials, Public Service -- Marjorie Wattenbarger Phillips.

House Joint Resolution No. 1236 -- Memorials, Interns -- Christopher Lewis Stump.

House Joint Resolution No. 1237 -- Memorials, Interns -- Shannon Metz.

House Joint Resolution No. 1238 -- Memorials, Public Service -- Holly Petraeus.

House Joint Resolution No. 1239 -- Memorials, Heroism -- David Petraeus.

House Joint Resolution No. 1240 -- Memorials, Professional Achievement -- Carolyn Miller, TWHNC Hall of Fame.

House Joint Resolution No. 1241 -- Memorials, Professional Achievement -- Larry Lowman, TWHNC Hall of Fame.

House Joint Resolution No. 1242 -- Memorials, Professional Achievement -- J.T. and Marianne Leech, TWHNC Hall of Fame.

House Joint Resolution No. 1243 -- Memorials, Professional Achievement -- Hershel Talley, TWHNC Hall of Fame.

House Joint Resolution No. 1244 -- Memorials, Professional Achievement -- Virgil Johnson, TWHNC Hall of Fame.

House Joint Resolution No. 1245 -- Memorials, Professional Achievement -- Bobby and Janie Hugh, TWHNC Hall of Fame.

House Joint Resolution No. 1246 -- Memorials, Congratulations -- Mr. W.S. "Babe" Howard.

House Joint Resolution No. 1247 -- Memorials, Academic Achievement -- Stephanie Rochelle Forgey, Valedictorian, Daniel 1 Academy.

House Joint Resolution No. 1248 -- Memorials, Death -- Harold F. Samples.

House Joint Resolution No. 1249 -- Memorials, Academic Achievement -- Trestan Drey McPherson, Valedictorian, Lewis County High School.

House Joint Resolution No. 1250 -- Memorials, Academic Achievement -- Jennifer Leach, Salutatorian, Lewis County High School.

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House Joint Resolution No. 1251 -- Memorials, Death -- Paul H. Reed.

House Joint Resolution No. 1253 -- Memorials, Recognition -- Russ Family Reunion, July 4, 2004, in Mt. Juliet.

House Joint Resolution No. 1254 -- Memorials, Interns -- Bridget Rejoice Braggs.

House Joint Resolution No. 1255 -- Memorials, Recognition -- Stanley and Rholedia Morgan.

House Joint Resolution No. 1256 -- Memorials, Retirement -- Lawrence E. Baggett.

House Joint Resolution No. 1258 -- Memorials, Professional Achievement -- Mark Farrar, Sr., TWHNC Hall of Fame.

House Joint Resolution No. 1259 -- Memorials, Professional Achievement -- Hoyte Eakes, TWHNC Hall of Fame.

House Joint Resolution No. 1260 -- Memorials, Professional Achievement -- Raneer Curtis, RN, Nurse of the Year.

House Joint Resolution No. 1261 -- Memorials, Professional Achievement -- Dr. Dee Cantrell, TWHNC Hall of Fame.

House Joint Resolution No. 1262 -- Memorials, Professional Achievement -- Gregg K. Jones, Chairman of the Newspaper Association of America.

House Joint Resolution No. 1263 -- Memorials, Interns -- Jordan Sagle.

House Joint Resolution No. 1264 -- Memorials, Interns -- Kim MacNeil.

House Joint Resolution No. 1265 -- Memorials, Interns -- Tabatha Inez Blackwell.

House Joint Resolution No. 1266 -- Memorials, Professional Achievement -- Stuart Wood, 2004 Junior Achievement Laureate.

House Joint Resolution No. 1267 -- Memorials, Professional Achievement -- C.M. "Bill" Gatton, Junior Achievement Hall of Fame 2004 Laureate.

House Joint Resolution No. 1268 -- Memorials, Personal Achievement -- Garrett Flynn Martin, Eagle Scout of the Year.

House Joint Resolution No. 1270 -- Memorials, Retirement -- Steve Logsdon.

House Joint Resolution No. 1271 -- Memorials, Sports -- Bradley Central High School wrestling team.

House Joint Resolution No. 1272 -- Memorials, Recognition -- Forde Callis.

House Joint Resolution No. 1273 -- Memorials, Recognition -- Earl Slater.

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House Joint Resolution No. 1274 -- Memorials, Recognition -- Elizabeth Slater.

House Joint Resolution No. 1275 -- Memorials, Recognition -- Earl Mitchell.

House Joint Resolution No. 1276 -- Memorials, Recognition -- Barry Chism.

House Joint Resolution No. 1277 -- Memorials, Congratulations -- Calvary Baptist Church of Union City, 80th anniversary.

House Joint Resolution No. 1278 -- Memorials, Sports -- Unaka High School Lady Rangers basketball team.

House Joint Resolution No. 1279 -- Memorials, Recognition -- Reverend Reece Harris.

House Joint Resolution No. 1280 -- Memorials, Congratulations -- St. George's Day School Divas.

House Joint Resolution No. 1281 -- Memorials, Academic Achievement -- Dale Hobbs, Salutatorian, Loretto High School.

House Joint Resolution No. 1282 -- Memorials, Academic Achievement -- Barry Rich, Valedictorian, Loretto High School.

House Joint Resolution No. 1284 -- Memorials, Recognition -- 150th anniversary of Cookeville.

House Joint Resolution No. 1285 -- Memorials, Retirement -- Linda Irwin.

House Joint Resolution No. 1286 -- Memorials, Personal Occasion -- Glenna Thompson, 75th birthday.

Senate Joint Resolution No. 1147 -- Memorials, Death -- Marvin Runyon.

Senate Joint Resolution No. 1148 -- Memorials, Retirement -- Michael L. Countess.

Senate Joint Resolution No. 1151 -- Memorials, Public Service -- Dr. Paul and Mrs. Betty Brown.

Senate Joint Resolution No. 1153 -- Memorials, Recognition -- Rabbi Peter R. Light, Beth Sholom Synagogue in Memphis.

Senate Joint Resolution No. 1155 -- Memorials, Death -- Dr. John Lynwood Herrington, Jr.

Senate Joint Resolution No. 1156 -- Memorials, Interns -- Travis Frank Brown.

Senate Joint Resolution No. 1157 -- Memorials, Academic Achievement -- Michael Lamb, 2004 Rhodes Scholar-Elect.

Senate Joint Resolution No. 1158 -- Memorials, Sports -- Greenfield 9- and 10-year-old All-Star baseball team.

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Senate Joint Resolution No. 1159 -- Memorials, Heroism -- Company C, 46th Engineers, Tennessee National Guard.

Senate Joint Resolution No. 1160 -- Memorials, Heroism -- Battery A, 2-115 Field Artillery Battalion, Lexington.

Senate Joint Resolution No. 1161 -- Memorials, Heroism -- Company C, 230th Engineers, Camden.

Senate Joint Resolution No. 1162 -- Memorials, Heroism -- 1171st Transportation Company, Tennessee National Guard.

Senate Joint Resolution No. 1163 -- Memorials, Heroism -- 1174th Transportation Company, Tennessee National Guard.

Senate Joint Resolution No. 1164 -- Memorials, Heroism -- Company B, 230th Engineers, Huntingdon/Lobelville.

Senate Joint Resolution No. 1165 -- Memorials, Academic Achievement -- Kyle J. Phillips, Valedictorian, Decatur County Riverside High School.

Senate Joint Resolution No. 1166 -- Memorials, Academic Achievement -- Chelsey Beth Johnson, Salutatorian, Decatur County Riverside High School.

Senate Joint Resolution No. 1167 -- Memorials, Academic Achievement -- Heather Brown, Valedictorian, Lexington High School.

Senate Joint Resolution No. 1168 -- Memorials, Academic Achievement -- Megan Nichole Malin, Valedictorian, Camden Central High School.

Senate Joint Resolution No. 1169 -- Memorials, Academic Achievement -- Kimmie Taylor, Salutatorian, Camden Central High School.

Senate Joint Resolution No. 1170 -- Memorials, Academic Achievement -- Hunter O'Neal Galloway, Valedictorian, South Fulton High School.

Senate Joint Resolution No. 1171 -- Memorials, Academic Achievement -- Jacob Aaron Evers, Salutatorian, South Fulton High School.

Senate Joint Resolution No. 1172 -- Memorials, Academic Achievement -- Joshua Ryan Owens, Valedictorian, Obion County High School.

Senate Joint Resolution No. 1173 -- Memorials, Academic Achievement -- Jared Barnes, Salutatorian, Obion County Central High School.

Senate Joint Resolution No. 1174 -- Memorials, Personal Occasion -- Ed and Joyce Bousson, 50th wedding anniversary.

Senate Joint Resolution No. 1176 -- Memorials, Interns -- Matt McAdoo.

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Senate Joint Resolution No. 1177 -- Memorials, Academic Achievement -- Kevin Sermeno, Valedictorian, Springfield High School.

Senate Resolution No. 218 -- Memorials, Interns -- Sha-Londe Bilbrey.

Senate Resolution No. 219 -- Memorials, Congratulations -- Joe and Teresa Diffie on the birth of Kylie Tarissa Diffie.

Senate Resolution No. 220 -- Memorials, Public Service -- Judy Faye Peebles.

Senate Resolution No. 221 -- Memorials, Heroism -- 155th Engineer Company, Tennessee National Guard.

Senate Resolution No. 222 -- Memorials, Interns -- Andrew W. Harper.

Senate Resolution No. 223 -- Controlled Substances -- Urges U.S. Secretary of Health and Human Services to investigate methods of regulating and controlling the sale of controlled substances over the Internet without a prescription.

Senate Resolution No. 224 -- Memorials, Personal Occasion -- James Perry Dendrinis, birth.

Senate Resolution No. 225 -- Memorials, Professional Achievement -- Brian Mabry.

Senate Resolution No. 226 -- Memorials, Interns -- Bridget Nicole Baggett.

Senate Resolution No. 227 -- Memorials, Heroism -- 155th Engineer Company, Tennessee National Guard.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bills were placed at the heel of the next calendar, pursuant to Rule 38: **Senate Bills Nos. 2987 and 3297.**

Senate Bill No. 2734 -- Children -- Allows juvenile court to review residential and treatment placement of children in state custody, and to make recommendation to Department of Children's Services as to child's placement. Amends TCA Title 37.

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On motion, Senate Bill No. 2734 was made to conform with **House Bill No. 2546**.

On motion, House Bill No. 2546, on same subject, was substituted for Senate Bill No. 2734.

Senate Bill No. 2810 -- Education -- Grants additional time to special joint committee studying mold abatement in public schools for finishing its work. Amends Chapter 381 of the Public Acts of 2003.

On motion, Senate Bill No. 2810 was made to conform with **House Bill No. 2652**.

On motion, House Bill No. 2652, on same subject, was substituted for Senate Bill No. 2810.

Senate Bill No. 2929 -- Criminal Procedure -- Allows local law enforcement agencies and clerks of court to create process for electronic submission of final dispositions for criminal cases to Tennessee Bureau of Investigations. Amends TCA Section 8-4-115.

On motion, Senate Bill No. 2929 was made to conform with **House Bill No. 2659**.

On motion, House Bill No. 2659, on same subject, was substituted for Senate Bill No. 2929.

Senate Bill No. 3180 -- Law Enforcement -- Authorizes law enforcement officer assigned to judicial district drug task force to receive POST certification but provides that such officer would not be entitled to the police pay supplement provided for certified officers. Amends TCA Title 8, Chapter 42 and Title 8, Chapter 7.

On motion, Senate Bill No. 3180 was made to conform with **House Bill No. 3394**.

On motion, House Bill No. 3394, on same subject, was substituted for Senate Bill No. 3180.

Senate Bill No. 3478 -- Health Care -- Extends provisions of Obesity Study and Prevention Act of 2002 from 2004 to 2008. Amends TCA Title 7; Title 9; Title 48; Title 49; Title 56; Title 68; Title 71 and Chapter 658 of the Public Acts of 2002.

On motion, Senate Bill No. 3478 was made to conform with **House Bill No. 2336**.

On motion, House Bill No. 2336, on same subject, was substituted for Senate Bill No. 3478.

Senate Bill No. 3516 -- Cheatham County -- Allows constables in Cheatham County to use blue flashing emergency lights, either alone or in combination with red flashing emergency lights, in their motor vehicles when they are wearing law enforcement uniforms approved by the county's governing body. Amends TCA Section 55-9-414.

Senate Joint Resolution No. 1004 -- General Assembly, Directed Studies -- Urges the BEP Review Committee to study the TACIR Index and other components of the BEP formula related to at-risk students and English Language Learners.

Senate Joint Resolution No. 1021 -- General Assembly, Confirmation of Appointment -- Sharon R. Thompson, State Board of Education.

Senate Resolution No. 223 -- Controlled Substances -- Urges U.S. Secretary of Health and Human Services to investigate methods of regulating and controlling the sale of controlled substances over the Internet without a prescription.

House Joint Resolution No. 625 -- Highway Signs -- Names portion of U.S. Highway 43 in Maury County "Purple Heart Highway".

House Joint Resolution No. 837 -- Highway Signs -- "William T. (Bill) Burke Overpass", S.R. 22 overpass in McKenzie.

House Joint Resolution No. 870 -- Highway Signs -- "Larry E. Stewart Bridge", Lascassas Bridge over Stones River on SR 96 in Rutherford County.

House Joint Resolution No. 926 -- Highway Signs -- "Leon 'Pete' Turnbow Memorial Bridge", Bingham Creek on S.R. 69 in Hardin County.

House Joint Resolution No. 930 -- Highway Signs -- Names the Highway 31 bridge across Interstate 65 in Ardmore, Giles County, in honor of William Morris "Doc" Oliver and provides for funding of signage by Ardmore.

House Joint Resolution No. 957 -- Highway Signs -- Names the interchange on US Highway 27 at Harrison Lane the "Arnold A. Stulce Interchange".

House Joint Resolution No. 978 -- Naming and Designating -- "Bill Moore Office Building", Tennessee Department of Transportation Region IV office.

House Joint Resolution No. 1006 -- Education, State Board of -- Urges State Board of Education to study the inclusion of alcohol awareness and drug usage awareness in K-12 curriculums.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Ketron moved that **Senate Bill No. 3482** lay on the desk, which motion prevailed.

LOCAL BILL CONSENT CALENDAR #1

Objections having been raised, the following bill was placed at the heel of the next calendar, pursuant to Rule 38: **Senate Bill No. 3504**.

Senate Bill No. 3510 -- Lynnville -- Subject to local approval, revises charter. Amends Chapter 289 of the Private Acts of 1965; as amended.

On motion, Senate Bill No. 3510 was made to conform with **House Bill No. 3603**.

On motion, House Bill No. 3603, on same subject, was substituted for Senate Bill No. 3510.

Senate Bill No. 3513 -- Lawrence County -- Subject to local approval, transfers juvenile court clerking duties from county clerk to circuit court clerk and transfers probate court clerking duties from county clerk to clerk and master. Amends Chapter 311 of the Acts of 1901; as amended.

On motion, Senate Bill No. 3513 was made to conform with **House Bill No. 3611**.

On motion, House Bill No. 3611, on same subject, was substituted for Senate Bill No. 3513.

Senate Bill No. 3514 -- Giles County -- Subject to local approval, transfers, effective July 1, 2004, probate jurisdiction from general sessions court to chancery court and clerk's duties over probate matters from county clerk to clerk and master. Amends Chapter 158 of the Private Acts of 1973; as amended.

Senate Bill No. 3515 -- Saltillo -- Subject to local approval, extends four-year term of mayor and aldermen elected at August 2003 election to expire when successors are elected and qualified at November 2008 election; requires all elections be held every four years at time of regular November election. Amends Chapter 699 of the Private Acts of 1951; as amended.

On motion, Senate Bill No. 3515 was made to conform with **House Bill No. 3610**.

On motion, House Bill No. 3610, on same subject, was substituted for Senate Bill No. 3515.

Senate Bill No. 3518 -- Garland -- Subject to local approval, changes town election from April to November and removes references to city marshal. Amends Chapter 35 of the Private Acts of 1913; as amended.

On motion, Senate Bill No. 3518 was made to conform with **House Bill No. 3613**.

On motion, House Bill No. 3613, on same subject, was substituted for Senate Bill No. 3518.

Senate Bill No. 3519 -- Lexington -- Subject to local approval, rewrites charter. Repeals Chapter 402 of the Acts of 1901; as amended.

On motion, Senate Bill No. 3519 was made to conform with **House Bill No. 3606**.

On motion, House Bill No. 3606, on same subject, was substituted for Senate Bill No. 3519.

Senate Bill No. 3523 -- Fayette County -- Subject to local approval, authorizes Fayette County adequate facilities tax.

Senate Bill No. 3524 -- Macon County -- Subject to local approval, authorizes Macon County to levy and collect a development/impact fee.

On motion, Senate Bill No. 3524 was made to conform with **House Bill No. 3615**.

On motion, House Bill No. 3615, on same subject, was substituted for Senate Bill No. 3524.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 38 be suspended for the purpose of making and considering Local Bill Consent Calendar No. 2 consisting of the following bills: **Senate Bills Nos. 3487, 3503 and 3517**, which motion prevailed.

LOCAL BILL CONSENT CALENDAR NO. 2

Senate Bill No. 3487 -- Kenton -- Changes terms of trustees from two years to staggered terms of four years and increases grade level of school authorized for operation by special district from third grade to fifth grade. Amends Chapter 84 of the Public Acts of 1947; as amended.

Senate Bill No. 3503 -- Washington County -- Subject to local approval, allows certain fire departments to sell fireworks on a limited basis in Washington County.

On motion, Senate Bill No. 3503 was made to conform with **House Bill No. 3601**.

On motion, House Bill No. 3601, on same subject, was substituted for Senate Bill No. 3503.

Senate Bill No. 3517 -- Hamilton County -- Subject to local approval, deletes language which authorized the county legislative body of Hamilton County to assist the general sessions court by appointing judicial commissioners. Amends Chapter 192 of the Private Acts of 1996.

Senator Crowe moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 19 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 176 -- Motor Vehicles -- Prohibits exhibition of obscene or patently offensive movies or videotapes on or within motor vehicle if such exhibition is visible to other drivers; imposes fine from \$2.00 to \$50.00 for violation. Amends TCA Section 55-8-187.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-187, is amended by deleting the language "or patently offensive bumper stickers, window signs, or other markings on a motor vehicle" and by substituting instead the following:

and patently offensive movies, bumper stickers, window signs or other markings on, or in, a motor vehicle

SECTION 2. This bill shall take effect July 1, 2004, the public welfare requiring it.

Senator Norris moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 176**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2072 -- Highway Signs -- "Grady Lester Davis Memorial Highway" and "Woodrow Wilson Von Rohr Memorial Highway", S.R. 28 in Sequatchie County.

HOUSE AMENDMENT NO. 1

AMEND by deleting the following language that was added by Senate Amendment No. 1:

SECTION ____ (1) This act shall become operative only if Sequatchie County, Tennessee, either remits the estimated cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Sequatchie County shall make such payment prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Sequatchie County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Sequatchie County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Sequatchie County may manufacture and erect such signs, provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

Senator Cooper moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2072**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Harper moved that **Senate Bill No. 2479** lay on the desk, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2480 -- Sunset Laws -- Tennessee emergency management agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2.

HOUSE AMENDMENT NO. 1

AMEND by deleting Section 2, as amended, in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-229(a), is amended by adding a new item thereto, as follows:

() Tennessee emergency management agency, created by § 58-2-103;

Senator Harper moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2480**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2557 -- Sunset Laws -- Tennessee higher education commission, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7.

HOUSE AMENDMENT NO. 1

AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-229(a), is amended by adding a new item thereto, as follows:

() Tennessee higher education commission, created by § 49-7-201;

Senator Harper moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 2557**, which motion prevailed by the following vote:

Ayes 20
Noes 9

Senators voting aye were: Atchley, Bryson, Burks, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, Miller, Trail and Mr. Speaker Wilder--20.

Senators voting no were: Burchett, Clabough, Cohen, Cooper, McNally, Norris, Person, Ramsey and Williams--9.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2645 -- Education, Higher -- Requires approval by State Building Commission of expenditures, whether separate or combined, of over \$100,000 on single higher education building or structure, if expenditures made in a six-month period. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "one hundred thousand dollars (\$100,000)" in amendatory § 49-7-129 of Section 1 of the bill and by substituting instead the language "one hundred thousand dollars (\$100,000), or any subsequent threshold established by the State Building Commission,".

Senator McNally moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2645**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2951 -- Special License Plates -- Authorizes issuance of new specialty earmarked plates to promote organ donation awareness in Tennessee; allocates 50 percent of funds produced from sale thereof, minus expenses, to Tennessee Donor Services and Mid-South Transplant Society for such purpose. Amends TCA Title 55, Chapter 4.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "in equal shares to Tennessee Donor Services and Mid-South Transplant Society" in the first sentence of subsection (c) of the amendatory Section in Section 2 of the original bill and by substituting instead the language "to the tax-exempt, not-for-profit entity created by the county clerks association for the purpose of promoting and supporting organ donation in the State of Tennessee to which the voluntary donations provided by Tennessee Code Annotated, Section 55-4-601 are paid".

Senator Dixon moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2951**, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2992 -- Special License Plates -- Authorizes issuance of Tennessee Councils of Boy Scouts of America new specialty earmarked plates; allocates 50 percent of funds derived from sale thereof to six Tennessee Councils of BSA in equal shares. Amends TCA Title 55, Chapter 4.

HOUSE AMENDMENT NO. 1

AMEND by deleting subsection (c) of Section 2 in the printed bill and substituting instead the following:

(c)(1) The funds produced from the sale of such Tennessee Councils of the Boy Scouts of America new specialty earmarked license plates shall be allocated in accordance with the provisions of § 55-4-215; provided, however, that the funds allocated pursuant to § 55-4-215(a)(1) shall be distributed to each of the six (6) Tennessee Councils of the Boy Scouts of America in proportion to the number of such license plates sold in the counties which comprise each such Council, such Councils being currently known as Cherokee Area Council, Chattanooga; Chickasaw Council, Memphis; Great Smoky Mountain Council, Knoxville; Middle Tennessee Council, Nashville; Sequoyah Council, Johnson City; and West Tennessee Council, Jackson. Such funds shall be used exclusively to fund and support scouting programs and activities.

(2) Prior to initial issuance of new specialty earmarked license plates authorized by this section, each Council of the Tennessee Councils of the Boy Scouts of America shall notify the department of each county comprising such Council.

Senator Burks moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2992**, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3115 -- Emergency Communications Districts -- Allows board of directors to determine emergency telephone service charge to fund 911 service; increases percentage of revenue from commercial mobile radio service charge that goes to districts from 25 to 40 percent; directs TACIR to study 911 system technology and fee structure. Amends TCA Title 7, Chapter 86.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The Tennessee Advisory Commission on Intergovernmental Relations is directed to conduct, within existing resources, an expedited, comprehensive study of all aspects of Tennessee's emergency telephone service (911) statutes, including, but not limited to, local emergency communications districts and their respective boards, the state emergency communications board, the provision of enhanced 911 service, and the assessment of emergency telephone service charges upon telecommunications service providers and customers.

SECTION 2. In conducting such study, the Tennessee Advisory Commission on Intergovernmental Relations shall specifically examine the funding mechanisms and the adequacy of the funding for local emergency communications districts and their respective boards, as well as the state emergency communications board.

SECTION 3. Such study shall also evaluate the feasibility and necessity of:

(1) Increasing emergency telephone service charges on telephone land lines and wireless telecommunications services; and

(2) Revising the statutory assessment formula for funding emergency telephone services.

SECTION 4. The Tennessee Advisory Commission on Intergovernmental Relations shall complete such study relative to emergency telephone service (911) and report its findings and recommendations, including any necessary legislation, to the general assembly no later than February 1, 2006.

SECTION 5. Tennessee Code Annotated, Section 7-86-306(a), is amended by deleting subdivision (10) in its entirety and substituting instead the following:

Respond to requests from emergency communications districts, commercial mobile radio service providers or other parties and subject to availability of funds, review and approve requests for reimbursements for expenditures or payment of obligations incurred to implement, operate, maintain, or enhance statewide wireless enhanced 911 service in conformance with any rules or orders of the Federal Communications Commission, and other federal and state requirements that pertain to wireless enhanced 911 service;

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Cooper moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3115**.

Senator Cooper moved that **Senate Bill No. 3115** be placed on the next Message Calendar, which motion prevailed.

MOTION

Senator Henry moved that **Senate Bill No. 3328** be recalled from the House, which motion prevailed.

MOTION

Senator McNally moved that Rule 83 be suspended for the purpose of allowing the Committee on Education to meet during the Senate's next recess today to consider **Senate Bill No. 2617 and House Joint Resolution No. 776**, which motion prevailed.

MOTION

Senator McNally moved that **Senate Bill No. 3288** be considered next, out of order, which motion prevailed.

CALENDAR

Senate Bill No. 3288 -- Economic and Community Development -- Requires any industrial development corporation which is negotiating a payment in lieu of tax agreement that impacts a city or county to notify such governmental entities affected by the agreement. Amends TCA Section 7-53-305.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 7-53-305(g)(3), is amended by deleting the following:

or any county having a population of not less than fifty-one thousand nine hundred (51,900) nor more than fifty-two thousand (52,000), both

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3288**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Burchett moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1200**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1200 -- Naming and Designating -- June 14-20, 2004, "Men's Health Week" in Tennessee.

On motion of Senator Burchett, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1200** was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 800 -- Constitutional Amendments -- Proposes an amendment to Article VI, Section 14, of the Constitution of the State of Tennessee, to raise the amount of the maximum fine that may be assessed without a jury.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following additional resolving clause to be appropriately inserted:

BE IT FURTHER RESOLVED, that the provisions of this resolution shall have no effect unless funds are appropriated in the General Appropriations Act to implement its provisions.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes	26
Noes	3
Present, not voting . . .	1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--26.

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Senators voting no were: Dixon, Ford and McLeary--3.

Senator present and not voting was: Jackson--1.

Senator Haynes moved that the Clerk read the resolution, as amended, which motion prevailed.

The Clerk read the resolution, as amended.

Thereupon, Mr. Speaker Wilder declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 800**, as amended, had been read.

Thereupon, **Senate Joint Resolution No. 800**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	5
Present, not voting	1

Senators voting aye were: Atchley, Bryson, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McNally, Miller, Ramsey, Trail and Mr. Speaker Wilder--22.

Senators voting no were: Burchett, Dixon, Ford, McLeary and Norris--5.

Senator present and not voting was: Jackson--1.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Person as Speaker pro tempore.

House Joint Resolution No. 990 -- Constitutional Amendments -- Proposes an amendment to Article XI of the Constitution of the State of Tennessee to define marriage as a contract between one man and one woman.

Senator Miller moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker pro tem Person declared pursuant to Article XI, Section 3, **House Joint Resolution No. 990** had been read.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following additional resolving clause to be appropriately inserted:

BE IT FURTHER RESOLVED, that the provisions of this resolution shall have no effect unless funds are appropriated in the General Appropriations Act to implement its provisions.

Senator Miller moved Amendment No. 1 go to the table, which motion prevailed by the following vote:

Ayes 17
Noes 10

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Crowe, Crutchfield, Fowler, Herron, Ketron, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--17.

Senators voting no were: Burks, Cohen, Dixon, Ford, Harper, Haynes, Henry, Jackson, Kurita and Kyle--10.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting in the first resolving clause the language "a new, appropriately designated section" and substituting instead the language "new, appropriately designated sections".

AND FURTHER AMEND by adding the following language at the end of the first resolving clause:

SECTION _____. Adultery is deemed to be a threat to the institution of marriage and contrary to public policy in Tennessee. The general assembly shall pass such laws as it deems necessary to preserve the institution of marriage and discourage adultery.

Senator Miller moved Amendment No. 2 go to the table, which motion prevailed by the following vote:

Ayes 18
Noes 4
Present, not voting . . . 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Crowe, Fowler, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--18.

Senators voting no were: Cohen, Crutchfield, Ford and Jackson--4.

Senator present and not voting was: Henry--1.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following language at the end of the amendatory section in the first resolving clause:

This provision shall have no bearing on the right of private corporations or institutions to provide domestic partnership benefit programs for same sex couples.

On motion, Amendment No. 3 failed for lack of a second.

On motion of Senator Cohen, Amendment No. 4 was withdrawn.

On motion of Senator Cohen, Amendment No. 5 was withdrawn.

Thereupon, **House Joint Resolution No. 990** was concurred in by the following vote:

Ayes 29
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

Senator voting no was: Cohen--1.

A motion to reconsider was tabled.

Senate Bill No. 282 -- Education, Higher -- Provides that use of false academic degree to obtain admission to or employment at institution of higher education in Tennessee is Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1 and Title 49, Chapter 7, Part 1.

On motion, Senate Bill No. 282 was made to conform with **House Bill No. 433**.

On motion, House Bill No. 433, on same subject, was substituted for Senate Bill No. 282.

On motion of Senator Norris, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 433** passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Cooper moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1188**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1188 -- Memorials, Recognition -- 125th anniversary of *The Southern Standard* newspaper.

On motion of Senator Cooper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1188** was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 555 -- Hospitals and Health Care Facilities -- Changes sunset date of health services and development agency to June 30, 2005; increases from \$1.5 million to \$2 million of major medical equipment before CON is required; requires public hearings by board for licensing health care facilities on proposed rules by board. Amends TCA Title 4 and Title 68, Chapter 11.

Senator Harper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-104 and 4-29-112, to the contrary, the state health planning and advisory board shall terminate and cease to exist on June 30, 2004, and all functions of the state health planning and advisory board shall be transferred to the Department of Finance and Administration pursuant to this act.

SECTION 2. Tennessee Code Annotated, Section 68-11-1602, is amended by deleting subsections (2), (6) and (18) in their entirety, by substituting instead the following three new, appropriately designated subsections, and by renumbering the remaining subsections as appropriate:

() "Ex parte communications" means communications in violation of § 4-5-304 or § 68-11-1607(d);

() "Planning division" and "state health planning division" mean the state health planning division of the Department of Finance and Administration, which is

created by this part to develop the state health plan and to conduct other related studies;

() "State health plan" means the plan that is developed by the state health planning division pursuant to this part. The plan shall include clear statements of goals, objectives, criteria and standards to guide the development of health care programs administered or funded by the State of Tennessee through its departments, agencies or programs, and considered as guidance by the agency when issuing certificates of need.

SECTION 3. Tennessee Code Annotated, Section 68-11-1605, is amended by deleting subsections (2), (3) and (4) in their entirety and by substituting instead the following new subsections:

(2) Review the state health plan as developed and submitted by the state health planning division and make recommendations to the state health planning division and the governor concerning the state health plan;

(3) Promulgate rules, regulations and procedures deemed necessary by the agency for the fulfillment of its duties and responsibilities under this part, including a procedure for the issuance of a certificate of need upon an emergency application where an unforeseen event necessitates the issuance of a certificate of need to protect the public health, safety and welfare, and where the public health, safety and welfare would be unavoidably jeopardized by compliance with procedures established under other provisions of this part;

(4) Contract when necessary for the implementation of the certificate of need program as defined by this part; and

(5) Weigh and consider the health care needs of consumers, particularly women, racial and ethnic minorities, TennCare or Medicaid recipients and low income groups whenever the agency performs its duties or responsibilities assigned by law.

SECTION 4. Tennessee Code Annotated, Section 68-11-1607(a), is amended by deleting the language "air ambulance," from subdivision (4) and by deleting subdivision (5) in its entirety and substituting instead the following:

(5) A change in the location of or the replacement of existing or certified facilities providing health care services and health care institutions, or a change in the location of or the replacement of medical equipment that requires a certificate of need. An additional certificate of need is not required to move mobile medical equipment that requires a certificate of need to a facility site for which a certificate of need already has been issued. A change in the location of or the replacement of a home health agency may be exempted from certificate of need requirements by agency rule. The relocation of the principal office of a home health agency or hospice within the same county shall not require a certificate of need;

SECTION 5. Tennessee Code Annotated, Section 68-11-1607(i), is amended by deleting the language "the health services and development agency" from the first sentence and by substituting instead the language "the Department of Health", and by deleting the

language "agency" where it appears in the second, third and sixth sentences and by substituting instead the language "department".

SECTION 6. Tennessee Code Annotated, Section 68-11-1609(b), is amended by deleting the second sentence of the subsection and by substituting instead the following:

In making such determinations, the agency shall consider as guidance the goals, objectives, guidelines and standards in the state health plan.

SECTION 7. Tennessee Code Annotated, Section 68-11-1610(d), is amended by deleting the language "arbitration and mediation alternatives" in the second sentence of the subsection and by substituting instead the language "mediation alternative"; and by deleting the language "either the arbitration or mediation alternative" in the third sentence of the subsection and by substituting instead the language "the mediation alternative".

SECTION 8. Tennessee Code Annotated, Section 68-11-1610(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e) Initial orders of the administrative law judge in contested cases may be appealed in writing to the agency. The agency may decline to hear any appeal. If the agency reviews the order, it must do so in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. If the agency declines to review the order, the requesting party may appeal the order to the Davidson County chancery court in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 9. Tennessee Code Annotated, Section 68-11-1610, is amended by deleting subsection (f) in its entirety and by renumbering the remaining subsections accordingly.

SECTION 10. Tennessee Code Annotated, Section 68-11-1610(g), is amended by deleting the language "additional alternative" and by substituting instead the language "alternative".

SECTION 11. Tennessee Code Annotated, Section 68-11-1610(h), is amended by deleting current language in its entirety and by substituting instead the following:

The general assembly declares the public policy of this state to be that certificate of need contested cases should be resolved through mediation, and the parties to such proceedings are encouraged to pursue this alternative.

SECTION 12. Tennessee Code Annotated, Section 68-11-1610(j), is amended by deleting the language "the administrative law judge's costs, the arbitrator's fee, if any, and deposition costs, including fees of expert witnesses," and by substituting instead the language "the administrative law judge's costs and deposition costs such as expert witness fees."

SECTION 13. Tennessee Code Annotated, Section 68-11-1617, is amended by deleting subsections (c) and (d) in their entirety, by substituting instead the following as a new subsection (c), and by redesignating the remaining subsections as appropriate:

(c) The civil penalty shall be in an amount not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day of continued activity or operation, after the effective date of the final order. Once a civil penalty has been imposed, the violator shall have the burden of submitting verifiable evidence satisfactory to the agency that the violator has discontinued the activity for which the civil penalty was imposed. The penalty shall accrue from the date of the final order until such evidence of discontinuance is received at the agency office.

SECTION 14. Tennessee Code Annotated, Section 68-11-1625, is amended by deleting the current language in its entirety and by substituting instead the following:

(a) There is hereby created the state health planning division of the Department of Finance and Administration. It is the purpose of the planning division to create a state health plan that is evaluated and updated at least annually. The plan shall guide the state in the development of health care programs and policies and in the allocation of health care resources in the state.

(b) It is the policy of the State of Tennessee that:

(1) Every citizen should have reasonable access to emergent and primary care;

(2) The state's health care resources should be developed to address the needs of Tennesseans while encouraging competitive markets, economic efficiencies and the continued development of the state's health care industry;

(3) Every citizen should have confidence that the quality of health care is continually monitored and standards are adhered to by health care providers; and

(4) The state should support the recruitment and retention of a sufficient and quality health care workforce.

(c) The planning division shall be staffed administratively by the Department of Finance and Administration in a manner that the department deems necessary for the performance of the planning division's duties and responsibilities, which may include contracting for the services provided by the division through a private person or entity.

(d) The duties and responsibilities of the planning division include:

(1) To develop and adopt a state health plan, which must include, at a minimum, guidance regarding allocation of the state's health care resources;

(2) To submit the state health plan to the health services and development agency for comment;

(3) To submit the state health plan to the governor for approval and adoption;

(4) To hold public hearings as needed;

(5) To review and evaluate the plan at least annually;

(6) To respond to requests for comment and recommendations for health care policies and programs;

(7) To conduct an ongoing evaluation of Tennessee's resources for accessibility, including but not limited to financial, geographic, cultural, and quality of care;

(8) To review the health status of Tennesseans as presented annually to the planning division by the Department of Health and the Department of Mental Health and Developmental Disabilities;

(9) To review and comment on federal laws and regulations that influence the health care industry and the health care needs of Tennesseans;

(10) To involve and coordinate functions with such state entities as necessary to ensure the coordination of state health policies and programs in the state;

(11) To prepare an annual report for the general assembly and recommend legislation for their consideration and study; and

(12) To establish a process for timely modification of the state health plan in response to changes in technology, reimbursement and other developments that affect the delivery of health care.

(e) The planning division shall succeed the state health planning and advisory board, which shall terminate effective June 30, 2004. The planning division shall become the owner of all information, files, materials, research, and other documents in the possession of the state health planning and advisory board and any of its subcommittees on July 1, 2004, and all such information and materials shall be physically or electronically transferred to a person or entity designated by the Commissioner of Finance and Administration on or before July 1, 2004. The state health plan developed by the state health planning and advisory board and in existence as of July 1, 2004, shall be adopted by the planning division as the current state health plan until a new state health plan is developed by the planning division. The planning division is authorized to review and implement any changes to the state health plan recommended by the state health planning and advisory board or any of its subcommittees in its discretion.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Clabough moved that **Senate Bill No. 555**, as amended, be moved five places down on the calendar for today, which motion prevailed.

Senate Bill No. 586 -- Divorce, Annulment and Alimony -- Provides that parties to divorce on ground of irreconcilable differences do not have to be present at final hearing if court approves of marital dissolution agreement and such agreement has been signed by both parties for 30 days. Amends TCA Section 36-4-103.

On motion, Senate Bill No. 586 was made to conform with **House Bill No. 1642**.

On motion, House Bill No. 1642, on same subject, was substituted for Senate Bill No. 586.

Senator Williams moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1 and substituting instead the following:

(g) If a divorce is filed on the ground of irreconcilable differences and the court finds that the provisions of subsection (b) have been met and the written marital dissolution agreement has been signed by both parties for at least thirty (30) days before the final hearing, the court may, in its discretion, grant the divorce without the parties being present at the final hearing.

On motion, Amendment No. 1 failed by the following vote:

Ayes	8
Noes	16

Senators voting aye were: Crutchfield, Jackson, McNally, Norris, Ramsey, Southerland, Williams and Mr. Speaker Wilder--8.

Senators voting no were: Burchett, Burks, Cohen, Cooper, Crowe, Fowler, Graves, Haynes, Henry, Herron, Kilby, Kurita, Kyle, McLeary, Person and Trail--16.

Senator Williams moved that **House Bill No. 1642** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 827 -- Drug and Alcohol Rehabilitation -- Requires at least one half of funds from alcohol and drug addiction treatment fund related to distribution of vehicle forfeiture proceeds to be used for treatment of indigent persons participating in drug court treatment programs. Amends TCA Section 40-33-211.

On motion, Senate Bill No. 827 was made to conform with **House Bill No. 1202**.

On motion, House Bill No. 1202, on same subject, was substituted for Senate Bill No. 827.

On motion of Senator Harper, Amendment No. 1 was withdrawn.

On motion of Senator Ford, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1202** passed its third and final consideration by the following vote:

Ayes 29
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--29.

Senator voting no was: Cohen--1.

A motion to reconsider was tabled.

Senate Bill No. 1012 -- Garnishments and Executions -- Prevents persons who move to pay judgment in installments from obtaining automatic stay of execution of garnishment. Amends TCA Section 26-2-216.

On motion, Senate Bill No. 1012 was made to conform with **House Bill No. 821**.

On motion, House Bill No. 821, on same subject, was substituted for Senate Bill No. 1012.

On motion of Senator Norris, Amendment No. 1 was withdrawn.

Senator Norris moved that **House Bill No. 821** be moved three places down on the calendar for today, which motion prevailed.

Senate Bill No. 1202 -- Education -- Requires institutions of higher education to report to law enforcement officer if they have probable cause to believe that student committed any felony or Class A misdemeanor while on campus. Amends TCA Title 49.

On motion, Senate Bill No. 1202 was made to conform with **House Bill No. 1093**.

On motion, House Bill No. 1093, on same subject, was substituted for Senate Bill No. 1202.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-7-207(e), is amended by deleting the period at the end of the subsection and adding the following language and punctuation to the end of the sentence:

: or if, in their judgment, there is insufficient evidence that adequate employment opportunities exist in related occupations for persons successfully completing such program and that the costs of such program are reasonable in relation to the reasonably expected earnings in occupations for which the program is designed.

SECTION 2. Tennessee Code Annotated, Section 49-7-2005(a), is amended by adding the following language:

The Tennessee higher education commission shall study and report to the general assembly by February 1, 2005, on the appropriateness and the relevance of current training and educational programs offered by institutions authorized pursuant to this part for members of the allied health care professions to determine the extent to which training and educational activities are structured to assure the availability of up to date training that reflects current responsibilities of the various allied health fields.

SECTION 3. Tennessee Code Annotated, Section 49-7-2008(f), is amended by adding the following language:

The commission may require an institution to publish placement rates and other information indicating actual employment and earnings in relevant occupations post successful completion of offered programs.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND Section 1, as amended by Senate Education Committee Amendment No. 1, by adding the following sentence at the end of the amendatory language:

The regionally accredited, degree granting institutions shall be exempted from this provision.

AND FURTHER AMEND in Section 2, as amended by Senate Education Committee Amendment No. 1, by adding the following sentence at the end of the amendatory language:

The regionally accredited, degree granting institutions shall be exempted from this provision.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 1093**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 1364 -- Education -- Allows board of education to develop model grading policy and provide such policy to LEAs. Amends TCA Title 49.

On motion, Senate Bill No. 1364 was made to conform with **House Bill No. 1433**.

On motion, House Bill No. 1433, on same subject, was substituted for Senate Bill No. 1364.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the effective date section of the bill as amended:

SECTION _____. Tennessee Code Annotated, Section 49-1-301(a)(3), is amended by deleting the second sentence.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 1433**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--31.

A motion to reconsider was tabled.

MOTION

Senator Henry moved that Rule 83 be suspended for the purpose of allowing the Committee on Finance, Ways and Means to meet from 1:00 p.m. to 3:00 p.m. today, which motion prevailed.

MOTION

Senator Graves moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1181**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1181 -- Memorials, Personal Occasion -- Larry and Wanda Collins, 50th wedding anniversary.

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On motion of Senator Graves, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1181** was adopted.

A motion to reconsider was tabled.

RECESS

Senator Crutchfield moved the Senate stand in recess until 3:00 p.m. today, which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

STANDING COMMITTEE REPORTS

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Joint Resolution No. 776; also recommend that Senate Bill No. 2617 be referred to the Committee on Finance, Ways and Means.

McNALLY, Chairperson
May 19, 2004

The Speaker announced that he had referred House Joint Resolution No. 776 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2617 to Committee on Finance, Ways and Means.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 532 with amendment, 784, 1352 with amendment, 1681 with amendment, 2065, 2134 with amendment, 2351, 2429 with amendment, 2505, 2617 with amendment, 2689 with amendment, 2976 with amendment, 3016, 3057 with amendments, 3093, 3153 with amendment, 3209, 3252 with amendment, 3302, 3326, 3342 with amendment and 3438.

HENRY, Chairperson
May 19, 2004

The Speaker announced that he had referred Senate Bills Nos. 532 with amendment, 784, 1352 with amendment, 1681 with amendment, 2065, 2134 with amendment, 2351, 2429 with amendment, 2505, 2617 with amendment, 2689 with amendment, 2976 with amendment, 3016, 3057 with amendments, 3093, 3153 with amendment, 3209, 3252 with amendment, 3302, 3326, 3342 with amendment and 3438 to Committee on Calendar.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Graves as Speaker pro tempore.

MOTION

Mr. Speaker Wilder moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 672**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 672 -- Memorials, Retirement -- Senator Ben Atchley.

On motion of Mr. Speaker Wilder, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 672** was adopted by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

PRESENTATION

Mr. Speaker Wilder presented **Senate Joint Resolution No. 672** to Ben and Sue Atchley.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

MOTION

Senator Henry moved that the rules be suspended for the immediate consideration of **Senate Bill No. 3415**, out of order, and that all amendments to Senate Bill No. 3415 currently filed be considered timely filed, which motion prevailed.

Senate Bill No. 3415 -- Appropriations -- Makes appropriations for fiscal years 2003-2004, 2004-2005.

On motion of Senator Henry, Amendment No. 1 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all provisions of House Bill No. 3551 following the enacting clause and substituting instead Sections 1 through 60 of Senate Bill 3415, as introduced.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to fund the following bills:

(1) All bills which are revenue/cost neutral, in that the bill itself imposes additional fees or taxes sufficient to fund the estimated cost of the bill;

(2) All bills with a fiscal note indicating that the bill will have a minimal cost;

(3) All bills with a fiscal note indicating that the bill will have a not-significant cost; and

(4) All bills which will result in foregone revenue or revenue which will not be collected due to the passage of a bill which would otherwise have been collected.

by adding the following new item at the end of Section 10:

Item _____. No later than July 31, 2004, there shall be established a separate allotment code for the Division of Charitable Solicitations in the Department of State to include all revenues, receipts, expenses and disbursements of the division.

by adding the following new item at the end of Section 10:

Item _____. No later than July 1, 2004, there shall be established a separate allotment code for the Lottery for Education Account in the Department of the Treasury to include all revenues, receipts, expenses and disbursements to or from that account. The allotment code shall contain appropriate suballotments for statutorily required subaccounts.

by adding the following new item at the end of Section 10:

Item _____. Out of funds available in the "animal population control endowment fund" authorized under Tennessee Code Annotated, Section 55-4-290, there is appropriated the sum of \$7,500 for the sole purpose of implementing Senate Bill No. 374/House Bill No. 1474, relative to incarceration expense for certain persons convicted of aggravated cruelty to animals or cruelty to animals, if such bill becomes a law.

by adding the following new item at the end of Section 10:

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Item _____. Out of funds appropriated to the Departments of Commerce and Insurance and Health by Sections 1 and 4 of this act, there is appropriated the sum of \$3,470 for the sole purpose of implementing Senate Bill No. 3202/House Bill No. 2830, relative to certification for state fire prevention and building officials, if such bill becomes a law.

by adding the following new item at the end of Section 10:

Item _____. Out of funds appropriated to the Tennessee higher education commission for reimbursement of state employees tuition free course reimbursements, under Tennessee Code Annotated, Section 8-50-114, there is appropriated a proportionate amount to cover eligible expenses of the Tennessee Foreign Language Institute under the provisions of Senate Bill No. 3016/House Bill No. 2867.

by adding the following new item to Section 12 thereof:

Item _____. From the revenues generated from the implementation of Senate Bill No. 2409/House Bill No. 2747 there is hereby appropriated \$100,000 to fund the cost of one additional retirement counselor and other operational expenses in the event Senate Bill No. 2409/House Bill No. 2747 becomes law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$65,606 from the criminal injuries compensation fund for the sole purpose of implementing Senate Bill No. 3019/House Bill No. 3453, relative to payments for mental health counseling or treatment from such fund, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$20,000 for the sole purpose of implementing Senate Joint Resolution No. 71, relative to property tax relief for elderly homeowners, if such resolution passes.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$600,000 for the sole purpose of implementing Senate Bill No. 214/House Bill No. 779, relative to additional motor vehicle fines, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$20,000 to the office of the Secretary of State for the sole purpose of advertising the provisions of Senate Joint Resolution No. 800, relative to a constitutional amendment concerning the maximum fine that may be assessed without a jury, if such resolution passes.

by adding the following new item at the end of Section 12:

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Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$45,260 to the Department of Safety for the sole purpose of implementing Senate Bill No. 2934/House Bill No. 2405, relative to special plates for restricted driver license holders, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,200 for the sole purpose of implementing Senate Bill No. 3066/House Bill No. 3373, relative to special emergency license plates, if such bill becomes a law.

by adding the following new item at the end of Section 36 as follows:

Item _____. To the Independent Tax Structure Study Commission in Section 1, Title III-2, Item 2.12.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$655,000 to the Davidson County Drug Court for the sole purpose of continuing operations and services. It is the legislative intent that these funds shall be non-recurring.

by adding the following new item to Section 12 thereof:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty thousand dollars (\$20,000.00) representing estimated first year's funding costs for the purpose of implementing Senate Bill No. 1907/House Bill No. 1972. This appropriation shall take effect only if Senate Bill No. 1907/House Bill No. 1972 becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$650 for the sole purpose of implementing Senate Bill No. 2065/House Bill No. 2959, relative to the Mundy-Musice Memorial Interchange, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,700 for the sole purpose of implementing Senate Bill No. 3209/House Bill No. 3458, relative to aggravated cruelty to animals, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated from the reserves of the insurance division of the Department of Commerce and Insurance, established under the provisions of the Public Acts of 2001,

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Chapter 333, earmarking \$61,900 from the reserves of the insurance division of the Department of Commerce and Insurance for the sole purpose of implementing Senate Bill No. 3252/House Bill No. 3252, relative to making medical malpractice claims reports to the Department of Commerce and Insurance, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$20,000 for the sole purpose of implementing Senate Joint Resolution No. 887, or House Joint Resolution No. 990, whichever receives final passage, relative to a constitutional amendment to define marriage, if such resolution passes.

by adding the following new item at the end of Section 12:

Item _____. To the extent that Senate Bill No. 962/House Bill No. 235 relative to the sales and use taxation of automobile lease salvage transactions results in a revenue loss exceeding \$100,000, there is hereby appropriated a sum sufficient for its implementation, if such bill becomes a law.

by adding the following new item at the end of Section 10:

Item _____. From the funds appropriated by the provisions of Section 1, Title III-21, Item 14, for state employee classification compensation, there is earmarked a sum sufficient to be allocated to the general assembly for the sole purpose of salary adjustments.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other appropriations made by the provisions of this act, there is appropriated to the Department of Education the sum of \$455,000 for the sole purpose of restoring funding for K-12 performance incentive grants and the sum of \$1,274,000 for the sole purpose of restoring funding for extended contracts for teachers.

by adding the following new item at the end of Section 10:

Item _____. The appropriation made to the Tennessee Regulatory Authority by the provisions of this act is reduced by the sum of \$100,000. This sum is the proposed improvement to update the Do Not Call Registry.

by adding the following new item at the end of Section 10:

Item _____. The appropriation made to the Court System, Indigent Defendants' Counsel by the provisions of this act is reduced by the sum of \$450,000. This sum is the proposed improvement to provide funding for increased indigent defendants cases resulting from the change of .10 to .08 blood alcohol content in DUI cases.

by adding the following new item at the end of Section 10 of the printed bill:

Item 10. The incoming president of the University of Tennessee should review the existing revitalization plan for the University of Tennessee Space Institute, update the plan as appropriate, and submit the revised plan to the Chairs of the Senate and House Education Committees on or before December 31, 2004. The multi-year plan should include goals,

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benchmarks, and timelines developed in consultation with the institution's many stakeholders.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$503,100 to the Tennessee Bureau of Investigation, to be allocated as follows:

Computer Evidence Recovery Unit	\$264,300
Latent Fingerprint Examination	\$238,800.

It is the legislative intent that this appropriation is to be funded from fees and other revenues obtained by the Tennessee Bureau of Investigation.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$63,000 representing estimated first year's funding costs for the purpose of implementing Senate Bill No. 51/House Bill No. 1364. This appropriation shall take effect only if Senate Bill No. 51/House Bill No. 1364 becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,028 for the sole purpose of implementing Senate Bill No. 2423/House Bill No. 3030, relative to the Health Services Development Agency, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$444,000 for the sole purpose of implementing Senate Bill No. 3057/House Bill No. 2543, relative to marriage licenses, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient not to exceed \$821,300 to the state claims commission for the sole purpose of implementing Senate Bill No. 2689/House Bill No. 2859 relative to compensation for wrongful imprisonment, if such bill becomes a law.

by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$36,565 for the sole purpose of implementing Senate Bill No. 2973/House Bill No. 2805, relative to special license plates, if such bill becomes a law.

by inserting a new Section after Section 55 of the printed bill to read:

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SECTION _____. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In addition to the appropriations made in Chapter 356, Public Acts of 2003 and in this act, the following items are appropriated in the fiscal year ending June 30, 2004:

Item 1. To the Department of Education the sum of \$2,631,100 to fund the BEP formula. There is further appropriated the sum of \$5,000,000 for the BEP in the fiscal year beginning July 1, 2004.

Item 2. To the Department of Education the sum of \$6,334,000 to fund the BEP two percent (2%) enrollment growth factor.

Item 3. To the Department of Human Services the sum of \$15,000,000 for TANF caseload increases and related programs.

Item 4. To the Department of Children's Services the sum of \$13,200,000.

Item 5. To the Department of Finance and Administration – Mental Retardation the sum of \$9,000,000.

Item 6. To the Department of Correction, State Prosecutions the sum of \$6,600,000.

Item 7. To the Department of Environment and Conservation, Groundwater Protection the sum of \$1,400,000.

Item 8. To the Department of Labor and Workforce Development the sum of \$3,200,000 for the Second Injury Fund program. There is further appropriated the sum of \$1,200,000 for the program in the fiscal year beginning July 1, 2004.

Item 9. To the Department of Military, Disaster Relief Grants the sum of \$1,800,000. There is further appropriated the sum of \$5,000,000 for the program in the fiscal year beginning July 1, 2004.

Item 10. To the TennCare program the sum of \$627,500 to improve the percentage of children receiving EPSDT services. There is further appropriated the sum of \$2,510,200 for the program in the fiscal year beginning July 1, 2004. The Commissioner of Finance and Administration is authorized to adjust departmental revenue estimates in TennCare and the Department of Health and to establish 44 full-time positions in the Department of Health.

Item 11. To Miscellaneous Appropriations the sum of \$200,900 to provide for the mileage rate increase effective May 1, 2004, under the provisions of the state's comprehensive travel regulations. There is further appropriated the sum of \$1,103,600 for the rate increase in the fiscal year beginning July 1, 2004.

Item 12. To the Judicial branch the sum of \$470,000 for the Guardian Ad Litem program. There is further appropriated the sum of \$470,000 for the program in the fiscal year beginning July 1, 2004.

Item 13. To the Judicial branch the sum of \$1,000,000 for Indigent Defendants' Counsel. There is further appropriated the sum of \$550,000 for the program in the fiscal year beginning July 1, 2004.

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AND FURTHER AMEND by inserting a new section after Section 55 of the printed bill to read:

SECTION _____. In addition to the appropriations made in Section 1 of this act, the following appropriations are made in the fiscal year beginning July 1, 2004:

Item 1. To Miscellaneous Appropriations the sum of \$4,100,000 to fund a methamphetamine program. This appropriation is subject to Senate Bill No. 2143/House Bill No. 2209 becoming law.

Item 2. To the Department of Human Services and TennCare the sum of \$4,520,900 to establish a call center. The Commissioner of Finance and Administration is authorized to allocate this appropriation between Human Services and TennCare, to adjust departmental revenues and to establish additional authorized positions.

Item 3. To TennCare the sum of \$496,600 to fund the TennCare appeals unit in the Department of Human Services. The Commissioner of Finance and Administration is authorized to adjust departmental revenues accordingly, to transfer positions from TennCare to Human Services and to establish 62 full-time positions in Human Services.

Item 4. To TennCare the sum of \$50,000 to fund the cost of meetings of the TennCare Foundation and the TennCare Advisory Commission. This appropriation is subject to Senate Bill No. 3392/House Bill No. 3513 becoming law.

Item 5. To TennCare the sum of \$38,300. This appropriation is subject to Senate Bill No. 3394/House Bill No. 3512 becoming law.

Item 6. To TennCare the sum of \$581,000. This appropriation is subject to Senate Bill No. 2520/House Bill No. 2350 becoming law.

Item 7. To TennCare the sum of \$319,700. This appropriation is subject to Senate Bill No. 2457/House Bill No. 2392 becoming law.

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children's safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2 million; and (d) other essential acute care hospitals \$43 million. The Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children's safety net pool and the other essential acute care pool, the hospital must be a contracted provider with TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations.

Item 9. To Labor and Workforce Development, Workers' Compensation, and the Department of Commerce and Insurance the sum of \$1,874,700 (recurring) and \$295,000 (non-recurring) to fund a mandatory review conference program and to establish thirty-seven

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additional positions. There is further appropriated a sum not to exceed \$250,000 to fund the purchase or development of a medical fee schedule. The Commissioner of Finance and Administration is authorized to allocate the appropriation and positions to the appropriate programs and to adjust departmental revenue accordingly. These appropriations are subject to Senate Bill No. 3424/House Bill No. 3531 becoming law.

Item 10. To the Department of Environment and Conservation, State Parks Maintenance the sum of \$900,000.

Item 11. To the Department of Mental Health and Developmental Disabilities the sum of \$310,600 for administrative support services. Nine additional positions are authorized.

Item 12. The Commissioner of Finance and Administration is authorized to abolish nine positions in the Department of Finance and Administration - Mental Retardation, to adjust departmental revenues and federal funds accordingly and to transfer state appropriation in the amount of \$82,700 from TennCare to the Department of Mental Health and Developmental Disabilities.

Item 13. To Miscellaneous Appropriations the sum of \$3,500,000 for State Employee Classification Compensation. This appropriation is in addition to the appropriation made in Section 1, Title III-21, Item 14 of this act.

Item 14. To the Department of Correction the sum of \$5,000 for the 1985 Sentencing Act program. This appropriation is subject to Senate Bill No. 30/House Bill No. 64 becoming law.

Item 15. To the District Attorneys General the sums of \$475,000 (recurring) and \$250,000 (non-recurring) to fund computer wide-area network connections and three computer support positions previously funded from federal grants and to fund the replacement and upgrade of personal computers, servers and software. Provided that the District Attorneys General shall replace the computer equipment and software through the OIR computer replacement fund and shall submit to OIR an information systems plan in 2004 and succeeding years under guidelines issued by OIR.

Item 16. To the State Board of Education the sum of \$72,800 to fund one professional position.

Item 17. To the Department of Education the sums of a) \$34,100 for the Science Alliance Museums grants and b) \$6,000 for the Touching the Lives of Children pre-school grants.

Item 18. To Miscellaneous Appropriations the sum of \$10,000 to fund the provisions of Senate Bill No. 3417/House Bill No. 3527, if such bill becomes law. The bill authorizes payment to persons owing money to the state if it is determined that refusing to do so would interrupt essential services.

Item 19. To the Department of Human Services the sum of \$810,000 for the sole purpose of allocating such sum in equal grants to each of the nine (9) human resource agencies. This appropriation shall be non-recurring.

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Item 20. To the State Museum the sum of \$350,000 for the purpose of acquiring cultural artifacts. This appropriation shall be non-recurring.

Item 21. To the Board of Probation and Parole the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

Item 22. To Miscellaneous Appropriations the sum of \$71,500 to fund the state agency payments to the Underground Storage Tanks program. This appropriation shall be non-recurring and it is subject to Senate Bill No. 3413/House Bill No. 3496 becoming law.

Item 23. To the Department of Commerce and Insurance, Regulatory Boards, the sum of \$551,200 from dedicated revenues and reserves for replacement of the regulatory boards computer system.

Item 24. To the McWherter Scholars program the sum of \$150,000 to fund scholarships for fifty (50) freshmen.

Item 25. To the Department of Finance and Administration the sum of \$4,000,000 to fund a capital outlay project for a morgue at East Tennessee State University.

Item 26. To the Department of Environment and Conservation the sum of \$3,000,000 to fund the Bedsole Tract acquisition. This appropriation shall be non-recurring.

Item 27. In addition to the funds appropriated in Section 1 of this act, there is appropriated from the real estate transfer tax the sum of \$6,000,000 to be allocated as a recurring appropriation to the following programs, as authorized by Tennessee Code Annotated, Section 67-4-409:

Wetlands Acquisition Fund	\$2,437,500
Local Parks Acquisition Fund	\$1,312,500
State Lands Acquisition Fund	\$1,125,000
Agricultural Resources Conservation Fund	\$1,125,000

Item 28. To the Department of Finance and Administration the sum of \$20,600,000 to fund higher education capital outlay projects with reduced matching requirements. The matching requirements shall be: a) thirty percent (30%) for projects at the University of Tennessee-Knoxville, University of Memphis and Middle Tennessee State University; b) twenty percent (20%) for projects at other universities and associated programs; c) ten percent (10%) for community college projects; and d) two and one-half percent (2.5%) for technology center projects.

Item 29. To Miscellaneous Appropriations the sum of \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring.

Item 30. To the District Attorneys General the sum of \$491,800 to fund an increase in the statutory pay plan effective July 1, 2004. This appropriation is subject to Senate Bill No. 2975/House Bill No. 3468 becoming law.

Item 31. To the District Public Defenders the sum of \$138,200 to fund an increase in the statutory pay plan effective July 1, 2004. This appropriation is subject to Senate Bill No. 525/House Bill No. 76 becoming law.

Item 32. To the Department of Correction, 1985 Sentencing Act, the sum of \$332,500. This appropriation is subject to Senate Bill No. 2473/House Bill No. 3186 becoming law.

Item 33. Subject to Senate Bill No. 3217/House Bill No. 3467 becoming law, the following appropriations are made for the purpose of implementing the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004:

- (1) To the Department of Correction, 1985 Sentencing Act, the sum of \$118,600.
- (2) To the Tennessee Bureau of Investigation the sum of \$318,200 (\$83,100 recurring and \$235,100 non-recurring).
- (3) To the Board of Probation and Parole the sum of \$251,300 (\$19,300 recurring and \$232,000 non-recurring).

Item 34. To the Department of Education, Improving School Programs the sum of \$2,463,200 for the Family Resource Centers program.

Item 35. To the Department of Economic and Community Development the sum of \$750,000 for the state to be represented in its official capacity as host of a national meeting. This appropriation is non-recurring and shall not revert to the general fund at June 30, 2005.

Item 36. To the Department of Labor and Workforce Development a sum sufficient from filing fees imposed in the Workers' Compensation program. This appropriation is intended to upgrade salary ranges for the program specialists. This appropriation is subject to Senate Bill No. 3424/House Bill No. 3531 becoming law.

Item 37. To the Board of Probation and Parole the sum of \$2,500,000 to fund a pilot project for the "Tennessee Serious and Violent Sex Offender Monitoring Act". This appropriation shall be non-recurring and is subject to Senate Bill No. 3159/House Bill No. 3182 becoming law.

AND FURTHER AMEND by deleting from Section 1, Title III-31, of the printed bill the following item:

"2. Department of Education 590,000.00"

and by substituting a new item to read:

"2. Department of Education 140,000.00"

and by adjusting the total accordingly.

AND FURTHER AMEND by adding to Section 2 of the printed bill, a new item to read:

Item _____. From the appropriation made in Section 1, Title III-3, Item 4, to the Department of Agriculture, Forestry Operations, the sum of \$3,600,000 is intended to fund the replacement of bulldozers and associated equipment and to provide for debt service on equipment revolving fund bonds and operational costs. Any unexpended funds for this purpose may be transferred to the State Funding Board and the board is directed to cancel bonds in said amount.

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AND FURTHER AMEND by adding to Section 8 of the printed bill a new item as follows:

Item _____. To meet obligations of the program created in T.C.A. Title 49, Chapter 7, Part 8.

AND FURTHER AMEND by adding to Section 9 of the printed bill a new item to read:

Item _____. To the Department of Economic and Community Development, Small Business Energy Loan Program and Local Government Energy Loan Program.

AND FURTHER AMEND by deleting in its entirety Item 19 in Section 10 of the printed bill and by substituting a new Item 19 to read:

Item 19. From the appropriations made to State Prosecutions in Section 1, Title III-7, payments to reimburse counties for housing state prisoners shall not exceed \$32.00 per inmate per day. Provided, however, the \$32.00 per inmate per day limitation on reimbursement payments shall be inapplicable to the extent the state is obligated by the specific terms of a written contract to provide reimbursement at a rate in excess of \$32.00 per inmate per day, but only to the extent of that contractual obligation.

AND FURTHER AMEND by adding to Section 36 of the printed bill the following additional items:

Item _____. To the Department of Mental Health and Developmental Disabilities in Section 1, Title III-14, in the amount of \$420,000. The funds are reappropriated to fund the last year of the Nashville Connection System of Care grant.

Item _____. To the Department of Labor and Workforce Development in Section 1, Title III-13, in the amount of \$195,000. The funds are reappropriated to fund a contract with Workers' Compensation Research Institute.

Item _____. To the Tennessee Higher Education Commission in Section 1, Title III-10, in the amount of \$90,000. The funds are reappropriated to study the development of an accredited college of public health.

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2003-2004</u>	<u>2004-2005</u>
District Attorneys General Conference		
1. IV-D Child Support Enforcement	\$414,200	\$414,200
Secretary of State		
1. Secretary of State	\$65,000	\$65,000
2. State Library and Archives	370,000	252,000
3. Regional Library System	55,000	55,000
Total Secretary of State	\$490,000	\$372,000

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Commissions		
1. TRICOR	\$0	\$972,700
Finance and Administration – TennCare Program		
1. TennCare Services	\$1,500,000	\$15,000,000
Education		
1. Improving School Programs	\$20,000	\$99,200
2. School-Based TennCare Services	1,500,000	15,000,000
Total Education	\$1,520,000	\$15,099,200
Finance and Administration – Mental Retardation		
1. Developmental Disabilities Council	\$33,400	\$100,000
Health		
1. Policy Planning and Assessment	\$250,000	\$50,000
2. Alcohol and Drug Abuse Services	2,017,300	6,052,100
3. Women, Infants, and Children (WIC)	1,128,000	1,128,000
4. Local Health Services	1,000,000	1,000,000
Total Health	\$4,395,300	\$8,230,100
Human Services		
1. Child Support	\$414,200	\$414,200
2. Community Services	0	6,842,500
Total Human Services	\$414,200	\$7,256,700
Revenue		
1. Processing Division	\$0	\$152,200
Transportation		
1. Mass Transit	\$0	\$8,400,000
GRAND TOTAL	\$8,767,100	\$55,997,100

The Commissioner of Finance and Administration is authorized to establish 65 full-time positions and to allocate them to the appropriate organizational units, including two positions in the Department of Finance and Administration, Resource Development and Support; one in the Commission on Aging and Disability; and two in the Department of Transportation, Bureau of Administration, for contract monitoring; and one position in the District Attorneys General program; one in Department of Education, Alvin C. York Institute; three in Mental Retardation Division, East Tennessee Region; and two in Department of Health, Communicable and Environmental Disease Services. At June 30, 2004, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2004.

AND FURTHER AMEND by adding to Section 41 of the printed bill the following new items:

Item _____. Subject to Senate Bill No. 3212/House Bill No. 3250 becoming law, the following appropriations are made for the purpose of implementing the Charitable Gaming Implementation Law:

(1) To the Secretary of State in the fiscal year ending June 30, 2004, the sum of \$43,000 from dedicated revenue and a sum not to exceed \$47,000 from state tax revenue.

(2) To the Secretary of State in the fiscal year ending June 30, 2005, the sum of \$1,028,300 from dedicated revenue.

(3) To the Department of Correction, 1985 Sentencing Act, in the fiscal year ending June 30, 2005, the sum of \$8,300.

Item _____. In addition to the appropriations made in Section 1, Title III-1, Item 3.7, to the Economic Council on Women, there is appropriated the sum of \$31,500. The appropriation made in Section 1, Title III-1, Item 3.1, to the Secretary of State is reduced in the amount of \$31,500.

Item _____. From the appropriations made in Sections 1 and 4 of this act to the Department of Children's Services, the Commissioner of Finance and Administration is authorized to transfer amounts budgeted for contract services to payroll and to increase the number of authorized positions to replace contractors with state employees.

Item _____. From the appropriations made in Section 1, Title III-17, to the Department of Human Services, the Commissioner of Finance and Administration is authorized to transfer \$3,845,100 from Community Services to Family Assistance Services. It is the legislative intent to recognize the corrected base budget reduction plan.

Item _____. From the appropriations made in Section 1, Title III-3, to the Department of Agriculture, the Commissioner of Finance and Administration is authorized to transfer \$38,800 from Administration and Grants to Market Development and to adjust departmental revenues accordingly.

Item _____. From the appropriations made in Section 1, Title III-5, to the Department of Environment and Conservation, the Commissioner of Finance and Administration is authorized to transfer \$75,000 from Solid Waste Management to Recreation Educational Services and to adjust departmental revenues accordingly.

Item _____. In the fiscal years ending June 30, 2004, and June 30, 2005, there are appropriated sums sufficient to the Department of Commerce and Insurance, Division of Regulatory Boards, from dedicated revenues and reserves available to the Real Estate Education and Recovery Fund and the Auctioneer Education and Recovery Fund to provide for court-ordered payments.

Item _____. The Commissioner of Finance and Administration is authorized to transfer one full-time position from the Department of Environment and Conservation to the Department of Education, Environmental Education Program, and to adjust departmental revenue accordingly.

Item _____. From the appropriation made in Chapter 356, Public Acts of 2003 and in Section 1, Title II, Item 5, of this act for Indigent Defendants' Counsel, there are earmarked sums sufficient for the sole purpose of funding the provisions of Senate Bill No. 3008/House Bill No. 3454, if such bill becomes law.

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Item _____. From the funds appropriated in Section 1, Title III-14, to the Department of Mental Health and Developmental Disabilities, there is appropriated the sums of \$54,000 (recurring) and \$116,500 (non-recurring) for the purpose of funding Senate Bill No. 3390/House Bill No. 3514, if such bill becomes law. It is the legislative intent that the costs of equipping the regional mental health institutes and the recurring communication costs be paid out of the savings generated from the bill.

Item _____. Subject to Senate Bill No. 3385/House Bill No. 3526 becoming law, it is the legislative intent to recognize a loss in dedicated revenue of \$18,345 to the Department of Commerce and Insurance, Division of Regulatory Boards.

Item _____. From the appropriations made in Section 1, Title III-22, of this act to the Department of Children's Services for the maintenance of the Tennessee Preparatory School property, the Commissioner of Finance and Administration is authorized to transfer appropriations and positions to other agencies and to the Facilities Revolving Fund to provide for the continued maintenance of the property.

Item _____. There is hereby appropriated a sum sufficient to fund the cost of any background investigation conducted under the provision of Chapter 528, Public Acts of 2004, including any background investigation requested by the chair of the nominating commission appointed pursuant to Tennessee Code Annotated, Section 38-6-101. It is the legislative intent that such cost be a public expense.

Item _____. There is hereby appropriated a sum sufficient to the Tennessee Bureau of Investigation to fund the provisions of Senate Bill No. 3148/House Bill No. 3291.

Item _____. There is hereby appropriated a sum sufficient to the General Assembly to fund the cost of a contract for an executive search and background checks of applicants for the position of director of the Tennessee Bureau of Investigation.

Item _____. Subject to Senate Bill No. 2078/House Bill No. 2143 or Senate Bill No. 2277/House Bill No. 2160 becoming law, it is the legislative intent to recognize a \$167,400 loss of state revenue, relative to sales tax exemption for motor vehicles sold and registered in Tennessee to Tennessee National Guardsmen or U.S. uniformed service Reservists who are in active military service and are stationed outside the U.S. during hostilities and are receiving combat pay.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill on which the final fiscal note indicates that: (a) state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill; or (b) the cost of implementation of the bill is minimal or not significant. It is the legislative intent that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly. It is the legislative intent to recognize a revenue loss from bills that result in no expenditure increase but forego revenue which has not been collected previously.

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AND FURTHER AMEND by deleting in its entirety the last paragraph in Section 1, Title III-31, of the printed bill and by substituting a new paragraph to read:

Said funds herein appropriated shall be used solely for improvements, betterments, and additions to state structures and for the acquisition of additional land and space, including the purchase of existing structures and grants, as described or referred to above and as approved by the State Building Commission; provided, further, that such funds as are appropriated herein shall be utilized to finance only those projects, improvements, betterments, or additions which are presented in the State of Tennessee's 2004-2005 Budget Document, as amended by any changes or additional projects contained in the Appropriations Act as passed on third and final consideration; provided, further, that all funds appropriated in this act or other general acts of this session for capital outlay shall be subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 15, Part 1, and further expressly providing for the making of a grant to the Historic Tennessee Theatre Foundation, a not-for-profit organization located in Knoxville. Such grant so identified and approved is determined to be for a public purpose.

AND FURTHER AMEND by deleting in its entirety the second paragraph in Section 2, Item 11, of the printed bill and by substituting a new paragraph to read:

Other appropriations made under this act to the Department of Correction, Sentencing Act of 1985, are hereby reappropriated to the department for major maintenance and capital outlay purposes or to cancel bonds. The balance of any reserve fund carried forward at June 30, 2004, is hereby reappropriated to the department for major maintenance or capital outlay purposes. The appropriation and transfer of funds authorized in this item are made under the provisions of Tennessee Code Annotated, Section 9-4-210.

AND FURTHER AMEND by deleting from Section 10, Item 12, of the printed bill the citation "Item 7.2," and substituting the citation "Item 7.3,".

AND FURTHER AMEND by deleting from Section 10 of the printed bill, Item 31 in its entirety and by inserting in Section 9 of the printed bill a new item to read:

Item _____. To the Department of Tourist Development from revenues received from communities, businesses, non-state organizations, federal funds, and other sources of departmental revenue to be used for marketing programs of the department. Any unexpended balances at June 30 shall be carried forward in a reserve and are hereby reappropriated in the subsequent fiscal year. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Effective July 1, 2004, there shall be established a separate allotment code for the Division of Charitable Solicitations in the Department of State to include all revenues, receipts, expenses and disbursements of the division.

AND FURTHER AMEND by adding a new item to Section 12 of the printed bill to read:

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Item _____. There is appropriated to the Treasury Department the sum of \$83,600 from departmental revenues.

AND FURTHER AMEND by adding to Section 23, Item 1 of the printed bill, a new sentence at the end of the last paragraph to read:

When submitted, a copy of operational budget expansion reports shall be provided to the Fiscal Review Committee executive director and the Office of Legislative Budget Analysis director for information purposes.

AND FURTHER AMEND by deleting from Section 31, paragraph 10, the figure "\$30,940,000" and by substituting the figure "\$61,880,000".

AND FURTHER AMEND by deleting in its entirety Item 1 from Section 35 of the printed bill and substituting a new Item 1 to read:

Item 1. To the Judicial Branch in Section 1, Title II, but excluding the appropriations for Indigent Defendants' Counsel, Civil Legal Representation, Verbatim Transcripts, Board of Law Examiners, Board of Professional Responsibility, Tennessee Lawyers Assistance Program, Continuing Legal Education and Client Protection Fund.

AND FURTHER AMEND by deleting from Section 36, Item 9 of the printed bill, the citation "Item 18." and substituting the citation "Item 16."

AND FURTHER AMEND by deleting from Section 36, Item 31 of the printed bill, the citation "Section 12," and substituting the citation "Section 36,".

AND FURTHER AMEND by deleting in its entirety Section 37 of the printed bill and substituting a new Section 37 to read:

SECTION 37. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. Subject to the availability of revenue at June 30, 2004, any unexpended balances of appropriations made under Chapter 356, Public Acts of 2003, other acts of this General Assembly or acts by previous General Assemblies for benefit of an agency of local government or a third-party nonprofit organization for which there is a grant agreement/contract approved by the Commissioner of Finance and Administration are hereby reappropriated to be expended in the 2004-2005 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2004. The Commissioner of Finance and Administration shall provide a list of any unexpended balances carried forward to the Director of Accounts and to the Division of State Audit. The reappropriation and carry forward of these funds is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by inserting in Section 41, Item 28 of the printed bill, the word "ending" before the date "June 30, 2005".

AND FURTHER AMEND by deleting from Section 41 of the printed bill, Item 34 in its entirety and by substituting a new Item 34 to read:

Item 34. The departmental revenues appropriated in this act from federal homeland security grant programs are subject to the following provisions:

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(a) A sum sufficient of this federal revenue is hereby appropriated for expenditure in the year ending June 30, 2004, and the unexpended balance in the year ending June 30, 2005. The allotment of these funds is subject to approval of the Commissioner of Finance and Administration, and the distribution among state and local agencies shall be subject to approval of or under procedures of the state Homeland Security Council.

(b) The Commissioner of Finance and Administration is hereby authorized to reallocate appropriations within the affected state agencies and to reallocate homeland security appropriations among the affected agencies for the purpose of providing the required state match to these and other federal homeland security and bioterrorism grants; to adjust position authorizations among affected departments, offices, and programs for that purpose; and to adjust federal and other departmental revenue estimates accordingly.

AND FURTHER AMEND by deleting in its entirety Section 41, Item 35 of the printed bill and substituting a new item to read:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax; and who use the certification in their job duties. The payment is subject to approval by the department or agency head. This item is subject to authorization of such payments in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, as amended by Senate Bill No. 3418/House Bill No. 3480, if such bill becomes law.

AND FURTHER AMEND by adding a new item to Section 41 of the printed bill to read:

Item _____. The appropriation of \$25,000 made in Section 12, Item 1044 of the 1998 Appropriations Act is hereby reappropriated to the Mockingbird Community Retirement Center, a 501(c)(3) organization, to be used for planning of a retirement center for persons with speech and hearing impairments.

AND FURTHER AMEND by deleting from Section 43, Item 5 of the printed bill, the figure "\$220,000,000" and substituting the figure "\$222,000,000".

AND FURTHER AMEND by deleting in its entirety Section 43, Item 7 of the printed bill and substituting a new item to read:

Item 7. In the fiscal year ending June 30, 2005, subject to authorization in Senate Bill No. 3448/House Bill No. 3546, if such bill becomes a law, or to authorization in other law, an amount of \$65,800,000 shall be transferred to the general fund from the Department of Transportation funds in the highway fund or other funds.

AND FURTHER AMEND by inserting at the end of Section 43, Item 10, the following: "The Commissioner of Finance and Administration shall report to the chairmen of the Senate and House Finance, Ways and Means Committees the amounts reallocated by agency."

AND FURTHER AMEND by deleting from Section 43, Item 12 of the printed bill, the citation "Section 1, Title III-3" and substituting the citation "Section 1, Title III".

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AND FURTHER AMEND by deleting from Section 49, Item 7 of the printed bill, the words and punctuation "tuition increases." and substituting the words and punctuation "tuition increases or budget reallocations."

AND FURTHER AMEND by inserting in Section 51 of the printed bill the words "and property insurance premiums" in the first sentence after the words "Board of Claims premiums".

AND FURTHER AMEND by deleting in its entirety Section 55 of the printed bill and substituting in lieu thereof the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill No. 3158/House Bill No. 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships.

by adding to Section 36 of the printed bill the following additional items:

Item _____. To the Tennessee Local Development Authority in Section 12, Item 18.

Item _____. To Miscellaneous Appropriations in Section 1, Title III-21, Item 13, Finance and Administration – Special Projects.

AND FURTHER AMEND by inserting the following new items at the end of Section 41 of the printed bill:

Item _____. From the funds appropriated in Section 1, Title III-24 of this act, to the Department of Finance and Administration - Mental Retardation, there is hereby earmarked a sum sufficient not to exceed \$350,000 for the purpose of defraying extraordinary liability insurance expenses incurred by certain providers of mental retardation services to be determined and administered by the Department of Commerce and Insurance.

Item _____. From the revenues produced by the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, there is hereby appropriated a sum sufficient to reimburse public higher education institutions and programs for payment of the tax on behalf of full-time employees who are subject to the tax.

AND FURTHER AMEND by adding a new item at the end of Section 46 of the printed bill:

Item _____. It is the legislative intent to hold harmless the groups receiving revenue in the fiscal year ending June 30, 2004, under the provisions of Tennessee Code Annotated, Title 55, Chapter 4, Part 2 – Special License Plates, in the event the allocation of revenue is discontinued through court proceedings in the fiscal year ending June 30, 2005. Subject to

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the allocation of revenue being discontinued, there is hereby appropriated to Miscellaneous Appropriations a sum sufficient on a non-recurring basis in an amount equal to the allocation of revenues in the fiscal year ending June 30, 2004, less any allocation made prior to being discontinued in the fiscal year ending June 30, 2005. The Commissioner of Finance and Administration shall determine the amounts to be allocated.

by deleting the following language:

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children's safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2 million; and (d) other essential acute care hospitals \$43 million. The Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children's safety net pool and the other essential acute care pool, the hospital must be a contracted provider with TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations.

and by substituting instead the following language:

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children's safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2 million; and (d) other essential acute care hospitals \$43 million. The Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children's safety net pool and the other essential acute care pool, the hospital must be a contracted provider with TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations. Payments made to essential providers pursuant to this item shall be made quarterly.

AND FURTHER AMEND by deleting the following language:

Item 21. To the Board of Probation and Parole the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

and by substituting instead the language:

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Item 21. To the Board of Probation and Parole from revenues and fees available to such board the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

AND FURTHER AMEND by deleting the following language:

Item 28. To the Department of Finance and Administration the sum of \$20,600,000 to fund higher education capital outlay projects with reduced matching requirements. The matching requirements shall be: a) thirty percent (30%) for projects at the University of Tennessee-Knoxville, University of Memphis and Middle Tennessee State University; b) twenty percent (20%) for projects at other universities and associated programs; c) ten percent (10%) for community college projects; and d) two and one-half percent (2.5%) for technology center projects.

and by substituting instead the following language:

Item 28. To the Department of Finance and Administration the sum of \$7,100,000 to fund a portion of higher education capital outlay projects.

AND FURTHER AMEND by adding the following language to Section 10 as new items:

AND FURTHER AMEND by deleting the following language:

Item 34. To the Department of Education, Improving School Programs the sum of \$2,463,200 for the Family Resource Centers program.

and by substituting instead the language:

Item 34. To the Department of Education, Improving School Programs the sum of \$2,263,200 for the Family Resource Centers program.

AND FURTHER AMEND by adding the following language to Section 10 as new items:

Item _____. The appropriation made to the Department of Finance and Administration by the provisions of this act in the sum of \$500,000 is subject to submission of a plan for allocation of such funds by the Commissioner of Finance and Administration to the officers of the Senate and House Finance, Ways and Means Committees, and their review.

Item _____. The appropriation made to the Department of Labor and Workforce Development in Section 1, Title III-31, Item 5, is reduced by the sum of \$260,000. Such funding reduction is for the purpose of eliminating the capital outlay funds for a career center.

Item _____. From the funds appropriated by the provisions of Section 1, Title III-21, Item 27, there is earmarked the sum of \$350,000 to be allocated to the General Assembly for legislative systems.

Item _____. There is hereby appropriated to the Department of Correction the sum of \$515,800 from the 1985 sentencing act to be allocated for the sole purpose of funding the Turney Center operational improvements. Any funds otherwise appropriated by this act for such improvements are reduced accordingly.

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Item _____. It is the legislative intent that the appropriation of \$500,000 for Teach Tennessee be non-recurring.

AND FURTHER AMEND by deleting the word "instructional" from Section 11, Item 4, subsection (b).

AND FURTHER AMEND by deleting Section 11, Item 4, subsection (c) and by substituting instead the following:

(c)(1) From the amounts herein appropriated to the Department of Education in Section 1, Title III-9, Item 2.1c, the Basic Education Program, the sum of \$18,300,000 is for the purpose of providing a one-time, non-recurring bonus for all instructional positions within each local education agency for the fiscal year 2004-2005.

(2) In addition to any other funds appropriated in this act, there is hereby appropriated the sum of \$18,300,000 for the purpose of funding an additional one-time, non-recurring bonus for all instructional positions within each local education agency for the fiscal year 2004-2005.

(3) It is the legislative intent that each person eligible for such bonus receive an equal share. The Commissioner of Education shall develop a plan for distribution of such amount to achieve this intent, with such plan subject to approval of the Commissioner of Finance and Administration. Further, it is the intent that such bonuses be distributed to eligible persons on or about October 1, 2004. Amounts paid under this provision shall be considered earnable compensation for retirement purposes.

AND FURTHER AMEND by adding the following language to Section 12 as new items:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$1,301,000 (recurring) and \$79,300 (non-recurring) to the district public defenders conference for the sole purpose of establishing 17 additional full-time assistant public defender positions and 6 additional full-time support staff positions if Senate Bill No. 1352/House Bill No. 131 becomes law. The additional positions shall be allocated among the several judicial districts based upon need and other relevant factors. Such allocation shall be made by the executive director of the district public defenders conference after consultation with the Comptroller of the Treasury and the administrative director of the courts. The executive director shall report the final allocation of such positions by judicial district to the Speakers of the Senate and the House of Representatives, the Chairs of the Senate and House Judiciary Committees and the Office of Legislative Budget Analysis on or before October 1, 2005.

AND FURTHER AMEND by adding the following language to Section 12 as new items:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$2,295,900 (recurring) and \$56,000 (non-recurring) to the district attorneys general conference for the sole purpose of establishing 30 additional full-time assistant district attorney positions and 10 additional full-time support staff positions if Senate Bill No. 2976/House Bill No. 3429 becomes law. The additional positions shall be allocated among the several judicial districts based upon need and other relevant factors. Such allocation shall be made by the executive director of the district attorneys general conference after consultation with the Comptroller of the Treasury and the administrative director of the

courts. The executive directors shall report the final allocation of such positions by judicial district to the Speakers of the Senate and the House of Representatives, the Chairs of the Senate and House Judiciary Committees and the Office of Legislative Budget Analysis on or before October 1, 2005.

Item _____. In addition to any other funds appropriated by the provisions of this act, if the fiscal note on any bill states that state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill, then there is appropriated a sum sufficient from such increased revenue to the appropriate entity, as determined by the Commissioner of Finance and Administration, to implement such bill.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill or resolution in which the Commissioner of Finance and Administration provided a letter to the General Assembly stating that the provisions of such bill or resolution would be funded in this act if such bills or resolutions become law. Such bills are Senate Bill No. 3294/House Bill No. 3415, Senate Bill No. 3393/House Bill No. 3503, Senate Bill No. 3455/House Bill No. 3539, Senate Bill No. 2249/House Bill No. 2134, and Senate Bill No. 3461/House Bill No. 3532.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. There is hereby appropriated to the state funding board a sum sufficient to pay debt service on bonds authorized by Senate Bill No. 429/House Bill No. 1310, if such bill becomes law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$9,200,000 for the sole purpose of restoring the reductions made to higher education institutions. It is the intent of the General Assembly that \$1,500,000 be recurring and the \$7,700,000 be non-recurring. It is the intent of the General Assembly that the restoration be made in a manner that offsets the reductions made to each individual institution. This appropriation shall take effect July 1, 2004, the public welfare requiring it.

AND FURTHER AMEND by adding the following sentence to the end of Section 41, Item 34, subsection (b):

The commissioner shall file any such reallocations or adjustments with the fiscal review committee and the Office of Legislative Budget Analysis.

AND FURTHER AMEND by deleting the following language:

AND FURTHER AMEND by deleting in its entirety Section 41, Item 35 of the printed bill and substituting a new item to read:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax;

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and who use the certification in their job duties. The payment is subject to approval by the department or agency head. This item is subject to authorization of such payments in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, as amended by Senate Bill No. 3418/House Bill No. 3480, if such bill becomes law.

and by substituting instead the language:

AND FURTHER AMEND by deleting Section 41, Item 35 and by substituting instead the following language:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax; and who use the certification in their job duties. The payment is subject to approval by the department or agency head in accordance with the provisions of Tennessee Code Annotated, Title 67, Chapter 4, Part 17, and any amendments to such part made by Senate Bill No. 3418/House Bill No. 3480, if such bill becomes law.

AND FURTHER AMEND by deleting Section 43, Item 11 and by substituting instead the following:

Item 11. From the appropriation made in Section 1, Title III-25, TennCare Program, the sum of \$1,000,000 is intended to provide funding for fraud and abuse investigations in the TennCare program, prosecutions resulting therefrom and to fund assistance in this effort from the district attorney general's conference and the district public defenders conference. The Commissioner of Finance and Administration is authorized to make appropriation transfers, establish positions and adjust departmental revenue estimates to implement the activity. Prior to any adjustments in accordance with this item, the Commissioner of Finance and Administration shall report to the Chairs of the Senate and House Finance, Ways and Means Committees and to the Office of Legislative Budget Analysis the amount of any appropriation transfer, departmental revenue adjustments and positions to be established by judicial district.

AND FURTHER AMEND by adding the following language at the end of Section 47, Item 1:

Provided, it is the legislative intent that the revenue fluctuation reserve be set at a level of not less than \$215,000,000 on June 30, 2004.

AND FURTHER AMEND by deleting the language "and as well as other applicable provisions of this act" from Section 49, Item 1.

AND FURTHER AMEND by deleting Section 49, Items 3 and 4 and by substituting instead the following language:

Item 3. (a) It is the legislative intent that the survey portion of the commissioned officer pay plan in the Department of Safety as referenced in Tennessee Code Annotated §4-7-205, shall be implemented at 100% of the value of the current survey effective July 1, 2004.

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(b) It is the legislative intent that the survey portion of the Tennessee Wildlife Resources Agency pay plan shall be implemented at 100% of the value of the current survey effective July 1, 2004.

(c) In addition to any other funds appropriated in this act, there is appropriated the sum of \$1,400,000 for the purpose of fully funding the provisions of this item.

AND FURTHER AMEND by deleting Section 49, Item 6 and by substituting instead the following language:

Item 6. (a) The appropriation of \$24,400,000 made in Section 1, Title III-21 for Salary Bonus, is made for the purpose of funding a one-time salary bonus to state employees and employees of higher education institutions.

(b) In addition to any other funds appropriated in this act, there is hereby appropriated the sum of \$24,400,000 for the purpose of funding an additional one-time salary bonus to state employees and employees of higher education institutions.

(c) It is the legislative intent that such bonus funds shall be paid to state employees on or about October 1, 2004, and shall be based upon, insofar as possible, an amount equal to \$70.00 per year of service; provided no total bonus shall be less than \$210 or more than \$1,750. It is further the legislative intent that employee bonuses for employees of higher education be distributed in a similar manner. Amounts paid under this item shall be included as earnable compensation for retirement purposes.

AND FURTHER AMEND by inserting at the end of Section 49, Item 7, the following language:

It is the legislative intent that salary increases pursuant to this item shall be across-the-board to all higher education employees in an equal amount or percentage increase. Prior to the distribution of these funds the Executive Director of the Tennessee Higher Education Commission, the President of the University of Tennessee system and the Chancellor of the Board of Regents shall submit to the Speaker of the Senate, the Speaker of the House of Representatives, the Chairs of Finance, Ways and Means Committees of the Senate and House of Representatives and the Office of Legislative Budget Analysis a plan for eligibility and distribution of these funds.

AND FURTHER AMEND by adding the following language as a new item to Section 49:

Item ____ In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$24,400,000 to provide an additional one percent (1%) across-the-board salary increase effective July 1, 2004, for each state employee and employees of higher education institutions and to adjust the appropriate salary ranges in a like manner. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, employees who come under the provision of a statutorily mandated pay plan shall be paid in accordance with the provision of such statutory plan.

AND FURTHER AMEND by deleting the language:

AND FURTHER AMEND by deleting in its entirety Section 55 of the printed bill and substituting in lieu thereof the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill No. 3158/House Bill No. 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships.

and by substituting instead the language:

AND FURTHER AMEND by deleting Section 55 and by substituting instead the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill No. 2616/House Bill No. 2687, Senate Bill No. 2449/House Bill No. 2861, Senate Bill No. 2114/House Bill No. 2134, and Senate Bill No. 3435/House Bill No. 3472, relative to lottery scholarships, if such bills become law; and by Senate Bill No. 3158/House Bill No. 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million dollars (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships. The availability of excess funds shall be determined by the Commissioner of Finance and Administration prior to the distribution of any excess funds. A copy of such determination shall be filed with the Chairs of the select committee on the Tennessee Education Lottery Corporation and the Office of Legislative Budget Analysis.

AND FURTHER AMEND by adding a new section to be appropriately numbered as follows:

Item _____. The Commissioner of the Department of Correction and the Chair of the Board of Probation and Parole in conjunction with the Comptroller of the Treasury and the Office of Legislative Budget Analysis are requested to examine release eligibility dates associated with state prisoners housed in local jails and the fiscal impact thereof on state government spending. The results of such examinations, and suggested recommendations,

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shall be reported to the Chair of the Corrections Oversight Committee and the Chairs of the Senate and House Finance, Ways and Means Committees by January 15, 2005.

AND FURTHER AMEND by deleting the following language:

Item 9. To the Department of Military, Disaster Relief Grants the sum of \$1,800,000. There is further appropriated the sum of \$5,000,000 for the program in the fiscal year beginning July 1, 2004.

and by substituting instead the following language:

Item 9. (a) To the Department of Military, Disaster Relief Grants the sum of \$1,800,000.

(b) There is further appropriated a sum not to exceed \$5,000,000 for the program in the fiscal year beginning July 1, 2004. This appropriation shall be non-recurring and is subject to the availability of funds in the fiscal year ending June 30, 2004, it being the legislative intent to fund this item from excess funds available in the fiscal year ending June 30, 2004.

AND FURTHER AMEND by deleting the following language:

Item 29. To Miscellaneous Appropriations the sum of \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring.

and by substituting instead the following language:

Item 29. To Miscellaneous Appropriations a sum not to exceed \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring and is subject to the availability of funds in the fiscal year ending June 30, 2004, it being the legislative intent to fund this item from excess funds available in the fiscal year ending June 30, 2004. The appropriation made in this item shall take effect upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND by designating the existing language of Section 43, Item 2, as sub item (a) and by adding the following language to such item as a new sub-item (b):

(b) In addition to the authority granted in sub-item (a), the commissioner is directed to reserve or designate the sum of \$44,284,500 from general fund balances at June 30, 2004, and carry forward such amount into FY 2004-05 for purposes of funding additional non-recurring appropriations.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item ____ The Tennessee Higher Education Commission is directed to review and report to the Chairmen of the Finance, Ways and Means Committees of the House and Senate on the fundraising capacities and activities of Tennessee's public higher education institutions. Such review shall include matters deemed relevant by the commission including, but not limited to, an analysis of such activities among other systems of public higher education. Such report shall be filed by December 15, 2004.

AND FURTHER AMEND by adding a new section to be appropriately numbered as follows:

On motion, Amendment No. 2 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section before the effective date section, to be appropriately designated:

SECTION __. It is hereby declared to be the legislative intent that the budget proposed by the Governor for fiscal year 2005 – 2006 include sufficient funds to restore to local governments, on a recurring basis, at least one-half of the state shared revenues redirected to the state general fund by the provisions of Chapter 355, Public Acts of the 102nd General Assembly. It is further declared to be the legislative intent that all of such redirected state shared revenues be fully restored to local governments on a recurring basis for fiscal year 2006 – 2007.

Senator Ramsey moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 3

AMEND by adding the following new section to be appropriately designated:

SECTION __.

Item 1. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Finance and Administration for distribution to the affected municipal and county governments the sum of \$17,837,500 for the sole purposes of holding such governments harmless from the provisions of Chapter 355 of the Public Acts of 2003, which reduced payment of state shared taxes to such municipalities and counties. Such distribution shall be in accordance with Item 2 of this section.

Item 2. The Department of Finance and Administration shall distribute such funds to each municipal and county government in a manner consistent with the allocation of such funds to municipal and county governments established prior to July 1, 2003.

Item 3. It is the legislative intent that the amount appropriated in accordance with this section be for reductions in local funding made in the 2003-2004 fiscal year.

Item 4. This section shall take effect upon becoming a law, the public welfare requiring it, and the distribution provided for by this section shall be made by June 30, 2004.

Senator Kyle moved Amendment No. 1 to Amendment No. 3 go to the table, which motion prevailed by the following vote:

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Ayes 17
Noes 15

Senators voting aye were: Atchley, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Graves, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary and Williams--17.

Senators voting no were: Beavers, Bryson, Burchett, Cohen, Crowe, Fowler, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--15.

On motion, Amendment No. 3 was adopted.

On motion of Senator Bryson, Amendment No. 4 was withdrawn.

Thereupon, **Senate Bill No. 3415**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

CALENDAR

Senator Crutchfield moved that **Senate Bill No. 1368** be moved two places down on the calendar for today, which motion prevailed.

MOTION

Senator Norris moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 269**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 269 -- Memorials, Public Service -- Elaine Pedigo, Citizen of the Year.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 269** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Williams moved that Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 3 consisting of the following resolutions: **House Joint Resolutions Nos. 1198, 1225 and 1252**, which motion prevailed.

CONSENT CALENDAR NO. 3

House Joint Resolution No. 1198 -- Naming and Designating -- "Captain Hughlan L. Lake Memorial Highway", Highway 64.

House Joint Resolution No. 1225 -- Highway Signs -- "J.D. McKinnie Memorial Highway", segment of S.R. 100 in Hardeman County.

House Joint Resolution No. 1252 -- Highway Signs -- "A.E. Smith, Sr. Memorial Highway", segment of S.R. 138 in Hardeman County.

Senator Williams moved that all House Joint Resolutions be concurred in, which motion prevailed.

A motion to reconsider was tabled.

MOTION

Senator McNally moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1201**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1201 -- Memorials, Recognition -- Oak Ridge Fire Department, First Responder Department of the Year.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1201** was adopted.

A motion to reconsider was tabled.

CALENDAR

FURTHER ACTION ON HOUSE BILL NO. 821

Mr. Speaker Wilder moved that **House Bill No. 821** be moved four places down on the calendar for today, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 555, AS AMENDED

On motion of Senator Ford, Amendment No. 2 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting Sections 4, 5, 6 and 13 of the bill as amended and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 68-11-1607(a), is amended by deleting the language, "to rehabilitation" and substituting instead the language, "to acute, rehabilitation" in subdivision (3)(C); by deleting the language, "air ambulance," from subdivision (4); and by deleting subdivision (5) in its entirety and substituting instead the following:

(5) A change in the location of or the replacement of existing or certified facilities providing health care services and health care institutions, or a change in the location of or the replacement of medical equipment that requires a certificate of need. An additional certificate of need is not required to move mobile medical equipment that requires a certificate of need to a facility site for which a certificate of need already has been issued. A change in the location of or the replacement of a home health agency may be exempted from certificate of need requirements by agency rule. The relocation of the principal office of a home health agency or hospice within the same county shall not require a certificate of need;

SECTION 5. Tennessee Code Annotated, Section 68-11-1607, is amended by adding a new appropriately designated subsection as follows:

() Nothing in this part shall require a certificate of need in order for an existing hospital licensed by the Department of Mental Health and Developmental Disabilities to become licensed by the Department of Health as a satellite of an affiliated general acute care hospital, as provided by Tennessee Code Annotated, Section 33-2-403(b)(8)(B).

SECTION 6. Tennessee Code Annotated, Section 68-11-1609(b), is amended by deleting the second sentence of the subsection and by substituting instead the following:

In making such determinations the agency shall use as guidelines the goals, objectives, criteria and standards in the state health plan. Until the state health plan is approved and adopted, the agency shall use as guidelines the current criteria and standards adopted by the state health planning and advisory board, and any changes implemented thereto by the planning division pursuant to Tennessee Code Annotated, Section 68-11-1625.

SECTION 13. Tennessee Code Annotated, Section 68-11-1617, is amended by deleting subsections (b), (c), (d) and (e) in their entirety, by substituting instead the following, and by redesignating the remaining subsections as appropriate:

(b) A civil penalty proceeding shall be initiated by the executive director of the agency with the filing of a petition with the agency. The proceeding will be conducted as a contested case hearing in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, Part 3.

(c) The civil penalty shall be in an amount not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day of continued activity or

operation. Once a civil penalty has been imposed, the violator shall have the burden of submitting verifiable evidence satisfactory to the agency, that the violator has discontinued the activity for which the civil penalty was imposed. The penalty shall begin to accrue on the date the agency notified the violator of such violation(s), and shall continue to accrue until such evidence of discontinuance is received at the agency office.

(d) Any appeal of a final order imposing a civil penalty shall be conducted in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, Part 3.

AND FURTHER AMEND Section 14 of the bill as amended by adding the following language as a new appropriately designated subsection (f):

(f) A separate account is authorized to provide support for the state health planning division of the Department of Finance and Administration. The following schedule of fees from health care providers shall be collected annually and administered by the Department of Finance and Administration. The account shall be used for other services required to fulfill the duties of the state health planning division of the Department of Finance and Administration. All planning staff shall be hired by and under the direction of the Commissioner of Finance and Administration. The following schedule shall apply:

- (1) Residential hospice..... \$100 per license;
- (2) Nursing homes..... \$100 per license;
- (3) Hospitals 1-100 beds..... \$100 per license;
- (4) Hospitals 101-200 beds \$200 per license;
- (5) Hospitals 201 + beds \$300 per license;
- (6) Ambulatory surgical treatment centers \$100 per license;
- (7) Outpatient diagnostic centers \$100 per license;
- (8) Home care organizations authorized to provide
home health services or hospice services..... \$100 per license;
- (9) Birthing centers \$ 50 per license;
- (10) Non-residential methadone treatment
facilities \$ 75 per license;
- (11) Mental health hospitals 1-100 beds \$100 per license;
- (12) Mental health hospitals 101 + beds \$200 per license
- (13) Mental health residential treatment facilities..... \$100 per license;

(14) Mental retardation institutional habilitation
facilities \$100 per license.

AND FURTHER AMEND by inserting the following language as a new Section 15 thereof and by renumbering the subsequent sections as appropriate:

SECTION 15. Tennessee Code Annotated, Section 68-11-1623, is amended by deleting the existing language in its entirety and by substituting instead the following new language:

All fees and civil penalties authorized by this part, with the exception of fees established pursuant to Section 68-11-1625, shall be maintained in a separate account administered by the health services and development agency. Fees include, but are not limited to, fees for the application of certificates of need, subscriptions, project cost overruns, copying and contested cases. The account is established for the purpose of providing support for the implementation of the certificate of need program, data collection and the administration of the agency. It is the intent of the general assembly that any accumulated revenues in excess of expenditures in this account shall, at the end of each fiscal year, be carried forward for the purpose for which they were originally intended. It is also the intent of the general assembly that, for the fiscal year 2004-2005, all funds accumulated and collected as authorized by Section 68-11-1625, for the state health planning and advisory board, shall transfer to the state division of health planning in the Department of Finance and Administration for the purpose of implementation and development of the state health plan and to further the purposes and operation of the division.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 555**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1368 -- Taxes, Excise -- Creates tax credit for qualified contributions for K-12 scholarships for students on free or reduced-price school lunch program. Amends TCA Title 49 and Title 67, Chapter 4.

On motion, Senate Bill No. 1368 was made to conform with **House Bill No. 1302**.

On motion, House Bill No. 1302, on same subject, was substituted for Senate Bill No. 1368.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-2006(b)(2), is amended by adding the following as a new subdivision:

(N)(i) Charitable donations, including those otherwise deductible under any other provision of this part, that are made to a qualified public school support organization and meet all of the requirements of this subdivision.

(ii) For purposes of this subdivision, "qualified public school support organization" means an entity, other than a natural person, that is registered with the department for sales and use tax purposes pursuant to Chapter 6 of this title and whose sole purpose is to promote and enhance Tennessee public schools.

(iii) The deduction provided by this subdivision shall apply only in the tax year in which the qualified public school support organization certifies to the taxpayer making the donation that it has spent the donation to purchase goods or services subject to the tax imposed by Chapter 6 of this title and upon which such tax has actually been paid. The taxpayer making the donation must maintain a copy of such certification to establish entitlement to the deduction.

(iv) Donations pursuant to this subdivision must be monetary donations and not donations of goods or services.

(v) The taxpayer making the donation shall not designate a specific child as the beneficiary of the donation.

(vi) Qualified public school support organizations receiving such donations must maintain adequate records to prove that the requirements of this subdivision have been met, including proof in the form of invoices or other documentation to establish that the donation was used to purchase goods or services subject to the tax imposed by Chapter 6 of this title and that such tax was actually paid.

(vii) If the qualified public school support organization falsely certifies to the taxpayer making the donation that the donation has been spent and tax paid in the manner required by this subdivision, the qualified public school support organization shall be liable for the tax imposed by Chapter 6 of this title, including applicable penalties and interest, as if the donation had been spent on items subject to that tax.

(viii) The Department of Revenue is authorized to share with the Department of Education information necessary to effectuate the purposes of this subdivision. The Department of Education shall be bound by restrictions on disclosure of such information otherwise applicable to the Department of Revenue.

SECTION 2. The Commissioner of Revenue and the Commissioner of Education are authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 3. For purposes of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to tax years beginning on or after July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting from subdivision (i) of the amendatory language of Section 1, as amended, the language "Charitable donations, including those otherwise deductible" and by substituting instead the language "Seventy-five percent (75%) of the value of charitable donations, including those otherwise deductible".

On motion, Amendment No. 2 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following as a new section to precede the effective date section:

SECTION ____ Seventy-five percent (75%) of the operating and implementation costs of this act from July 1, 2004, to June 30, 2005, shall be satisfied from any increase in local sales tax revenues pursuant to this act and twenty-five percent (25%) of such costs shall be satisfied from any increase in state sales tax revenues pursuant to this act. The operating and implementation costs of this act from July 1, 2004, to June 30, 2005, that are to be satisfied by increases in local sales tax revenues shall be allocated only to counties implementing the provisions of this act.

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 1302**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Jackson moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1203**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1203 -- Memorials, Death -- Dr. Joseph William Remke, Jr.

On motion of Senator Jackson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1203** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Graves moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1179**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1179 -- Memorials, Congress -- Urges the Federal Energy Regulatory Commission to disapprove an application requesting an interconnection between the Peabody Energy Corporation's Thoroughbred Energy Campus and the Tennessee Valley Authority's transmission system.

On motion of Senator Graves, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1179** was adopted.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 1482 -- Administrative Procedure (UAPA) -- Continues permanent rules filed with secretary of state after January 1, 2003.

On motion, Senate Bill No. 1482 was made to conform with **House Bill No. 1524**.

On motion, House Bill No. 1524, on same subject, was substituted for Senate Bill No. 1482.

On motion of Senator Harper, Amendment No. 1 was withdrawn.

On motion of Senator Harper, Amendment No. 2 was withdrawn.

Senator Southerland moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following as new subsection (c) to Section 1 of the printed bill:

(c) The provisions of subsection (a) shall not apply to the following rules:

Tennessee Department of Human Services
Licensure Rules for Child Care Centers

Rules 1240-4-6-.07(4)(f), parts (1), (2), (7), and (8), Supervision and Grouping of Children

Senator Miller declared Rule 13 on **House Bill No. 1524**.

Senator Harper moved that **House Bill No. 1524** be moved five places down on the calendar for today, which motion prevailed.

MOTION

Senator Harper moved that Rule 83 be suspended for the purpose of allowing the Committee on Government Operations to meet during the Senate's next recess today to consider **House Bill No. 1524**, which motion prevailed.

CALENDAR

Senate Bill No. 1686 -- Telecommunications -- Revises provisions of telecommunications assistance program for small and minority-owned businesses developed by Department of Economic and Community Development. Amends TCA Title 65, Chapter 5, Part 2.

On motion, Senate Bill No. 1686 was made to conform with **House Bill No. 1065**.

On motion, House Bill No. 1065, on same subject, was substituted for Senate Bill No. 1686.

On motion of Senator Cooper, Amendment No. 1 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND in Section 1 of the bill as amended by deleting the language "The Department of Economic and Community Development" from the amendatory language designated as § 65-5-213(a), and by substituting instead the language "The Department of the Treasury".

On motion, Amendment No. 2 was adopted.

On motion of Senator Bryson, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 1065**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 821

Thereupon, **House Bill No. 821** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 2143 -- Criminal Offenses -- Imposes additional fines on persons convicted of drug offenses; additional fines allotted to counties with high incidents of methamphetamine prosecutions for investigation and prosecution of such cases. Amends TCA Title 8, Chapter 7, Part 3 and Title 39, Chapter 17, Part 4.

On motion, Senate Bill No. 2143 was made to conform with **House Bill No. 2209**.

On motion, House Bill No. 2209, on same subject, was substituted for Senate Bill No. 2143.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(c), is amended by adding the following language as a new subdivision:

(3) Notwithstanding the provisions of subdivision (c)(2) to the contrary:

(A) Methamphetamine is a Class B felony if the amount involved is one (1) gram or more of any substance containing methamphetamine and, in addition thereto, may be fined not more than one hundred thousand dollars (\$100,000); and

(B) Methamphetamine in an amount of less than one (1) gram is a Class C felony and, in addition thereto, may be fined not more than one

hundred thousand dollars (\$100,000); provided, however, if the offense involves less than one (1) gram of a controlled substance containing methamphetamine but the defendant carried or employed a deadly weapon as defined in § 39-11-106, during commission of the offense or the offense resulted in death or bodily injury to another person, then such offense is a Class B felony.

SECTION 2. Tennessee Code Annotated, Section 39-17-417(i)(10), is amended by deleting the language "One hundred (100)" and substituting in its place the language "Twenty-six (26)".

SECTION 3. Tennessee Code Annotated, Section 39-17-417(j)(10), is amended by deleting the language "One thousand (1,000)" and substituting in its place the language "Three hundred (300)".

SECTION 4. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following language as a new section:

§ 39-17-434. (a) It is an offense for a person to possess, whether acquired through theft or other means, any substance, with the intent to:

(1) Use such substance in the manufacture of a Schedule I or Schedule II controlled substance; or

(2) To knowingly convey such substance to another for use in the manufacture of a Schedule I or Schedule II controlled substance.

(b) In determining whether a particular substance is possessed with the intent required to violate subsections (a)(1) and (2), of this section, the court or other authority making such a determination shall, in addition to all other logically relevant factors, consider the following:

(1) Statements by the owner or anyone in control of the substances concerning its use;

(2) Prior convictions, if any, of the owner or of anyone in control of the substance for violation of any state or federal law relating to the sale or manufacture of controlled substances;

(3) Instructions or descriptive materials of any kind accompanying the substance or found in the owner or controlling person's possession concerning, explaining, or depicting its use;

(4) The manner in which the substance is displayed or offered for sale;

(5) The quantity and location of the substance considered in relation to the existence and scope of legitimate uses for the substances in the community; and

(6) Expert testimony concerning the substance's use.

(c) This section shall not apply where possession was by a person authorized by this part and Title 53, Chapter 11, Parts 3 and 4, to dispense, prescribe, manufacture or possess the controlled substance in question.

(d) Violation of this section is a Class E felony.

SECTION 5. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language, as amended, following the enacting clause and substituting instead the printed bill, as introduced.

On motion, Amendment No. 2 was adopted.

Senator Kilby moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting Section 1 and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(c), is amended by adding the language "or methamphetamine" after the word "cocaine" wherever it appears.

Senator Kilby moved that **House Bill No. 2209**, as amended, be placed at the heel of the calendar for today, which motion prevailed.

Senate Bill No. 2167 -- Tennessee Wildlife Resources Agency -- Exempts residents of counties in which the Sundquist wildlife management area lies from paying special use fee for horseback riding, bicycling, and off-highway vehicle use. Amends TCA Title 70.

On motion, Senate Bill No. 2167 was made to conform with **House Bill No. 2672**.

On motion, House Bill No. 2672, on same subject, was substituted for Senate Bill No. 2167.

On motion of Senator Miller, Amendment No. 1 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section to be appropriately designated:

SECTION __. The estimated cost of this act shall be absorbed out of existing resources of the Tennessee Wildlife Resources Agency.

On motion, Amendment No. 2 was adopted.

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Thereupon, **House Bill No. 2672**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that **Senate Bill No. 3305** be returned to the House, which motion prevailed.

CALENDAR

Senate Bill No. 2193 -- Notary Public -- Clarifies law regarding notaries public. Amends TCA Title 8, Chapter 16 and Section 8-21-201.

On motion, Senate Bill No. 2193 was made to conform with **House Bill No. 2356**.

On motion, House Bill No. 2356, on same subject, was substituted for Senate Bill No. 2193.

Thereupon, **House Bill No. 2356** passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 2206 -- Education, Higher -- Requires lay-offs of higher education employees or abolition of positions to be conducted in accordance with applicable provisions of civil service law. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

On motion, Senate Bill No. 2206 was made to conform with **House Bill No. 2644**.

On motion, House Bill No. 2644, on same subject, was substituted for Senate Bill No. 2206.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Senator McNally moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding a new section thereto, as follows:

Section 49-7-129. The board of trustees of the University of Tennessee and the Tennessee board of regents shall adopt policies to govern reductions in force that could result in employee layoffs or terminations at their respective institutions of higher education. The policies shall provide a consistent and equitable method of reducing the work force when a reorganization or curtailment of operations becomes necessary. The policies shall, at a minimum:

- (1) Apply to regular, non-faculty employees;
- (2) Provide for a written rationale for any reduction in the work force;
- (3) Include identification of functional areas affected, a review of the budget implications involved, and the development of specific written criteria to be used in identifying duties that will be reassigned or eliminated;
- (4) Provide for the application of such factors as length of service in the position and at the institution, functional needs of the unit in selecting the affected employees, and the qualifications needed to perform the remaining duties of the affected unit;
- (5) Require written notification to the affected employees of a reduction in force as far in advance as possible; and
- (6) Provide an opportunity for affected employees to receive notification when vacancies for similar positions at their former campuses occur.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes	26
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Herron, Ketron, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

Senator present and not voting was: Henry--1.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

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Thereupon, **House Bill No. 2644**, as amended, passed its third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

Senate Bill No. 2228 -- Game and Fish Laws -- Increases criminal penalty for hunting or shooting from a public road or shooting firearm across or on any public road from Class C misdemeanor to Class A misdemeanor. Amends TCA Section 70-4-108.

On motion of Senator Miller, Amendment No. 1 was withdrawn.

On motion of Senator Person, Amendment No. 2 was withdrawn.

Senator Person moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 70-4-108(c), is amended by deleting the subsection in its entirety and substituting instead the following language:

(c) A violation of the provisions of this section is a Class B misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 2228**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--25.

A motion to reconsider was tabled.

Senate Bill No. 2254 -- Education -- Requires Department of Education to create online assessment system for student use to measure and provide feedback concerning student knowledge and skills in TCAP and Gateway subject areas. Amends TCA Title 49.

On motion, Senate Bill No. 2254 was made to conform with **House Bill No. 2976**.

On motion, House Bill No. 2976, on same subject, was substituted for Senate Bill No. 2254.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting amendatory § 49-6-6005(a) in Section 1 and by substituting instead the following:

(a) The general assembly finds that due to increased emphasis on standardized testing in elementary and secondary education, teachers need additional tools with which to assess accurately students' progress. Such assessments should be matched to the Tennessee comprehensive assessment program tests and the Gateway tests. Using the data from these assessments, teachers will have the information they need to improve student achievement by identifying specific student academic strengths and weaknesses.

AND FURTHER AMEND by deleting the language "The Department of Education shall develop and implement an online assessment system that measures student mastery of content standards and skills achievement in each subject area tested by the Tennessee comprehensive assessment program tests and the Gateway tests." from amendatory § 49-6-6005(b) in Section 1 and by substituting instead the following language:

The Department of Education shall develop and implement an online assessment system that measures student mastery of skills addressed by the Tennessee comprehensive assessment program tests and the Gateway tests.

On motion, Amendment No. 1 was adopted.

On motion of Senator Henry, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2976**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 2255 -- Education -- Creates demonstration project for teaching of certain courses in public schools by videoconferencing. Amends TCA Title 49.

On motion, Senate Bill No. 2255 was made to conform with **House Bill No. 2978**.

On motion, House Bill No. 2978, on same subject, was substituted for Senate Bill No. 2255.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all provisions of the printed bill after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, is amended by adding the following language as a new, appropriately designated part:

§ 49-6-8201. (a) Up to January 1, 2005, the Department of Education is authorized to establish a demonstration project for distance learning through videoconferencing for public school students. The department, in consultation with LEAs, may select at least four (4) courses for the demonstration project. At least one (1) course should be selected from each of the following types of courses:

(1) Courses in which shortages of highly qualified teachers exist, including high-level courses for exceptional students;

(2) Courses that some LEAs are unable to provide due to the potentially small enrollment of interested students; and

(3) Courses that are remedial and that are designed to assist students who need additional instruction in core academic subjects.

(b) The department may solicit proposals for the development and production of the selected courses from LEAs or consortiums of LEAs and may provide incentive grants for funding all or part of the development and production of a course.

§ 49-6-8202. Any LEA that permits a student to enroll in a demonstration project course is responsible for providing a classroom, any equipment necessary to permit viewing and communicating by videoconferencing with the teacher of such course and other students enrolled in the course, and all books and materials necessary for the course. The LEA would also provide a teacher or teacher's aide to supervise the classroom during the videoconferencing.

§ 49-6-8203. All demonstration project courses shall be provided at times that would be within the regular school hours of participating LEAs.

§ 49-6-8204. The department is authorized to monitor and measure the effectiveness of the distance learning demonstration project. The department may submit an annual report of findings and recommendations, including an assessment of the effectiveness of such demonstration project, to the House and Senate Education Committees, and to the State Board of Education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2978**, as amended, passed its third and final consideration by the following vote:

Ayes 30

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 2264 -- County Government -- Authorizes municipality which has constructed, operates or maintains storm water or flood control facilities to enter into contract or interlocal agreement with county to bill and collect storm water fees for the municipality as designated item on ad valorem tax notice issued by the county. Amends TCA Section 12-9-104 and Section 68-221-1107.

On motion, Senate Bill No. 2264 was made to conform with **House Bill No. 2285**.

On motion, House Bill No. 2285, on same subject, was substituted for Senate Bill No. 2264.

On motion of Senator Cohen, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2285** passed its third and final consideration by the following vote:

Ayes 32

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 2312 -- Hospitals and Health Care Facilities -- Enacts the "Tennessee Health Care Decisions Act". Amends and repeals appropriate portions of TCA Title 32, Chapter 11; Title 33; Title 34 and Title 68.

On motion, Senate Bill No. 2312 was made to conform with **House Bill No. 2581**.

On motion, House Bill No. 2581, on same subject, was substituted for Senate Bill No. 2312.

On motion of Senator Ford, Amendment No. 1 was withdrawn.

On motion of Senator Ford, Amendment No. 2 was withdrawn.

On motion of Senator Ford, Amendment No. 3 was withdrawn.

Senator Fowler moved that Amendment No. 4 be placed behind Amendment No. 5, which motion prevailed.

Senator Ford moved to amend as follows:

AMENDMENT NO. 5

AMEND by deleting the amendatory language of Section 68-11-1702(a)(6) in its entirety and by substituting the following:

(6) "Health care" means any care, treatment, service or procedure to maintain, diagnose, treat, or otherwise affect an individual's physical or mental condition, and includes medical care as defined in § 32-11-103(5).

AND FURTHER AMEND by deleting the amendatory language of Section 68-11-1702(a)(7) in its entirety and by substituting instead the following:

(7) "Health care decision" means consent, refusal of consent or withdrawal of consent to health care.

AND FURTHER AMEND by deleting the amendatory language of Section 68-11-1702(a)(8) in its entirety and by substituting instead the following:

(8) "Health care institution" means a health care institution as defined in § 68-11-102.

AND FURTHER AMEND by deleting the amendatory language of Section 68-11-1702(a)(9) in its entirety and by substituting instead the following:

(9) "Health care provider" means a person who is licensed, certified or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business or practice of a profession.

AND FURTHER AMEND by deleting the amendatory language of Section 68-11-1703(b) and by substituting instead the following:

(b) An adult or emancipated minor may execute an advance directive for health care, which may authorize the agent to make any health care decision the principal could have made while having capacity. The advance directive must be in writing and signed by the principal. The advance directive must either be notarized or witnessed by two (2) witnesses. An advance directive remains in effect notwithstanding the principal's last incapacity and may include individual instructions. For the purposes of this section, a witness shall be a competent adult, who is not the agent, and at least one (1) of whom is not related to the principal by blood, marriage, or adoption and would not be entitled to any portion of the estate of the principal upon the death of the principal under any will or codicil made by the principal existing at the time of execution of the advance directive or by operation of law then existing. A written advance directive shall contain an attestation clause which attests that the witnesses comply with the requirements of this subsection; provided, however, the failure of an advance directive to contain such clause shall not invalidate the advance directive if the witnesses do meet the requirements of this subsection.

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AND FURTHER AMEND by deleting the amendatory language of Section 68-11-1703(i) and by substituting instead the following:

(i) No health care provider or institution, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital plan, shall require the execution or revocation of an advance directive as a condition for being insured for, or receiving, health care.

AND FURTHER AMEND by inserting the following in the amendatory language of Section 1 as a new Section 68-11-1703(j):

(j) Any living will, durable power of attorney for health care, or other instrument signed by the individual, complying with the terms of Tennessee Code Annotated, Title 32, Chapter 11, and a durable power of attorney for health care complying with the terms of Tennessee Code Annotated, Title 34, Chapter 6, Part 2, shall be given effect and interpreted in accord with those respective acts. Any advance directive that does not evidence an intent to be given effect under those acts but that complies with this act may be treated as an advance directive under this act.

AND FURTHER AMEND by inserting the following language at the end of the amendatory language of Section 68-11-1706(c)(2):

No person who is the subject of a protective order or other court order that directs that person to avoid contact with the patient shall be eligible to serve as the patient's surrogate.

AND FURTHER AMEND by deleting the language "satisfied" in the amendatory language of Section 68-11-1706(c)(3)(F) and by substituting instead the language "satisfies".

AND FURTHER AMEND by deleting Sections 4 through 7 of the printed bill in their entireties and by substituting instead the following new sections, and by renumbering the remaining sections accordingly:

SECTION 4. The Tennessee Right to Natural Death Act, Tennessee Code Annotated, Title 32, Chapter 11, is amended by adding the following as a new, appropriately designated section:

Section 32-11-_____. (a) A living will entered into before July 1, 2004, under this chapter shall be given effect and interpreted in accord with this chapter.

(b) A living will entered into on or after July 1, 2004, that evidences an intent that it is entered into under this chapter shall be given effect and interpreted in accord with this chapter.

(c) A living will entered into on or after July 1, 2004, that does not evidence an intent that it is entered into under this chapter may, if it complies with the provisions of the Tennessee Health Care Decisions Act, Tennessee Code Annotated, Title 68, Chapter 11, Part 17, be given effect as an individual instruction under that act.

SECTION 5. Tennessee Code Annotated, Title 34, Chapter 6, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 34-6-_____. (a) A durable power of attorney for health care entered into before July 1, 2004, under this part shall be given effect and interpreted in accord with this part.

(b) A durable power of attorney for health care entered into on or after July 1, 2004, that evidences an intent that it is entered into under this part shall be given effect and interpreted in accord with this part.

(c) A durable power of attorney for health care entered into on or after July 1, 2004, that does not evidence an intent that it is entered into under this part may, if it complies with the provisions of the Tennessee Health Care Decisions Act, Tennessee Code Annotated, Title 68, Chapter 11, Part 17, be given effect as an advance directive under that act.

On motion, Amendment No. 5 was adopted.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting the following language from Section 68-11-1703(b) of the amendatory language of Section 1, as amended:

; provided, however, the failure of an advance directive to contain such clause shall not invalidate the advance directive if the witnesses do meet the requirements of this subsection

On motion, Amendment No. 4 was adopted.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 6

AMEND by deleting the language "68-11-102" in Section 68-11-1702(a)(8) of the amendatory language of Section 1, as amended, and by substituting instead the language "68-11-1602".

On motion, Amendment No. 6 was adopted.

Thereupon, **House Bill No. 2581**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--29.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Person as Speaker pro tempore.

Speaker pro tempore Person moved that **Senate Bill No. 2328** be moved ten places down on the calendar for today, which motion prevailed.

Speaker pro tempore Person moved that **Senate Bill No. 2347** be moved ten places down on the calendar for today, which motion prevailed.

Speaker pro tempore Person moved that **Senate Bill No. 2366** be rereferred to Committee on Calendar, which motion prevailed.

Senate Bill No. 2382 -- Real Property -- Enacts the "Neighborhood Preservation Act".

On motion, Senate Bill No. 2382 was made to conform with **House Bill No. 2166**.

On motion, House Bill No. 2166, on same subject, was substituted for Senate Bill No. 2382.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause, and by substituting instead the following language:

SECTION 1. This act shall be known and may be cited as the "Neighborhood Preservation Act".

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one (1) person who maintains a household or by two (2) or more persons who maintain a common household;

(2) "Owner" means one (1) or more persons, jointly or severally, in whom is vested:

(A) All or part of the legal title to property; or

(B) All or part of the beneficial ownership and a right to the present use and enjoyment of the premises;

(3) "Residential property" means a dwelling unit which is owner-occupied and is the owner's principal place of residence; and

(4) "Residential rental property" means a building or structure consisting of one (1) or two (2) dwelling units.

SECTION 3. The owner of residential rental property or an unoccupied residence shall be required to maintain the exterior of such property and the lot on which the residential rental property or unoccupied residence is located at a level which is no less than the community standards of the residential property in the area.

It is prima facie evidence that the residential rental property or unoccupied residence is not maintained at the community standards of the residential property in the area if the owner of such residential rental property or unoccupied residence has been cited for three (3) or more separate violations of local building and construction codes or property standards governing residential property within a one-year period and the owner has not brought the property into compliance with such building and construction codes or property standards within such period.

SECTION 4. An owner of residential property affected by residential rental property or an unoccupied residence not maintained to community standards of residential property in the area may bring an action for damages against the owner of such residential rental property or unoccupied residence for failure to maintain the property in the manner required in Section 3.

The measure of damages shall be the difference between the value of the owner's residential property if the residential rental property or unoccupied residence were maintained at the community standards of the residential property in the area and the value of the owner's residential property because the residential rental property or unoccupied residence is not maintained at such community standards.

As proof of the value of the owner's residential property, the plaintiff shall submit to the court two independent appraisals.

SECTION 5. The provisions of this act shall only apply in any county having a metropolitan form of government which has a population in excess of five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2166**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senator Haynes moved that **Senate Bill No. 2395** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 2431 -- Parks, Natural Areas Preservation -- Enacts the "State Park Funding Act of 2004". Amends TCA Title 11, Chapter 3 and Title 55, Chapter 4, Part 1.

On motion, Senate Bill No. 2431 was made to conform with **House Bill No. 2274**.

On motion, House Bill No. 2274, on same subject, was substituted for Senate Bill No. 2431.

On motion of Senator Miller, Amendment No. 1 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as "The State Park Funding Act of 2004".

SECTION 2. Tennessee Code Annotated, Section 11-3-302, is amended by adding a new subsection (i) as follows:

(i) Any revenues derived from the payment of fees charged at state parks and any fines, penalties, forfeitures, or contraband allocated to state parks pursuant to state law shall be deposited in the fund.

SECTION 3. Tennessee Code Annotated, Title 11, Chapter 3, Part 3, is amended by adding the following as a new Section 11-3-305:

Section 11-3-305. It is the legislative intent that the following types of revenue-generating facilities at state parks shall be self-sufficient by the fiscal year 2007-2008: marinas, campgrounds, golf courses, cabins, gift shops, restaurants and inns. Self-sufficient shall mean that the revenue generated at all such facilities collectively is sufficient to cover all of the direct operational costs incurred at those facilities. Nothing in this section shall be construed to automatically require the closing of any park or facility which is not individually self-sufficient.

SECTION 4. Tennessee Code Annotated, Title 11, Chapter 3, Part 3, is further amended by adding the following as a new Section 11-3-306:

Section 11-3-306. If revenues generated by the facilities named in Section 11-3-305 exceed the needs for self-sufficiency, then they may be applied in priority order, first to other operations at the park where they are located, next to parks containing historic sites or museums or natural areas, and finally to other state parks.

SECTION 5. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2274**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 2448 -- Civil Procedure -- Deems counterclaimant for contractual attorney fees to be prevailing party if plaintiff voluntarily dismisses an action while such counterclaim is pending and does not timely recommence such action. Amends TCA Title 20, Chapter 6, Part 3.

On motion, Senate Bill No. 2448 was made to conform with **House Bill No. 2354**.

On motion, House Bill No. 2354, on same subject, was substituted for Senate Bill No. 2448.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

(a) If a plaintiff voluntarily dismisses an action while a counterclaim is pending for contractual attorney fees, and if the plaintiff does not timely recommence the action, the court, upon proper showing, may order that the counterclaimant is the prevailing party for the purpose of recovering contractual attorney fees.

(b) The provisions of this section shall only apply if the contract clause providing for attorney fees applies equally to all parties to the contract.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2354**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 2473 -- Criminal Procedure -- Allows evidence of a defendant's prior conviction of a sex offense when the victim was less than 13 if the defendant is presently being tried for a sex crime in which the victim is less than 13, subject to Rule of Evidence 403 and the state's giving notice at least 15 days before trial or later as the court may allow for good cause. Amends TCA Title 40, Chapter 17.

On motion, Senate Bill No. 2473 was made to conform with **House Bill No. 3186**.

On motion, House Bill No. 3186, on same subject, was substituted for Senate Bill No. 2473.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the amendatory language of Section 1(a) of the printed bill and by substituting instead the following:

(a) Notwithstanding the provisions of any rule or statute to the contrary, in a criminal case:

If the defendant is charged with any sex offense specified in Title 39, Chapter 13, Part 5, or § 39-15-302, or is charged with the offense of attempting, soliciting or conspiring to commit any such sex offense; and

If the victim is less than thirteen (13) years of age; and

If the defendant possesses a prior conviction for any sex offense described in Title 39, Chapter 13, Part 5, or § 39-15-302, or a prior conviction for the offense of attempting, soliciting or conspiring to commit any such sex offense; and

If the victim of such prior offense was also less than thirteen (13) years of age; then

Evidence of the defendant's prior conviction is admissible and may be considered for its bearing on any matter to which it is relevant, subject to the provisions of Rule 403 of the Tennessee Rules of Evidence.

On motion, Amendment No. 1 was adopted.

Senator Norris moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the amendatory language of Section 1(a) and by substituting instead the following:

(a) Notwithstanding the provisions of any rule or statute to the contrary, in a criminal case:

If the defendant is charged with any sex offense specified in §§ 39-13-502; 503; 504; 505; 506; 511 (provided that the offense of public indecency or indecent

exposure constitutes a Class A misdemeanor or Class E felony violation); 513; 514; 515; 516; 522; 527; 528 or 39-15-302, or is charged with the offense of attempting, soliciting or conspiring to commit any such sex offense; and

If the victim is less than thirteen (13) years of age; and

If the defendant possesses a prior conviction for any sex offense described in §§ 39-13-502; 503; 504; 505; 506; 511 (provided that the offense of public indecency or indecent exposure constituted a Class A misdemeanor or Class E felony violation); 513; 514; 515; 516; 522; 527; 528 or 39-15-302, or a prior conviction for the offense of attempting, soliciting or conspiring to commit any such sex offense; and

If the victim of such prior offense was also less than thirteen (13) years of age; then

Evidence of the defendant's prior conviction is admissible and may be considered for its bearing on any matter to which it is relevant, subject to the provisions of Rule 403 of the Tennessee Rules of Evidence.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3186**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 2589 -- Drugs -- Enacts "Drug Dealer Liability Act".

On motion, Senate Bill No. 2589 was made to conform with **House Bill No. 2636**.

On motion, House Bill No. 2636, on same subject, was substituted for Senate Bill No. 2589.

Senator Norris moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Norris moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator Norris moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. There is hereby created a special joint study committee to examine all pertinent matters and issues pertaining to the "Drug Dealer Liability Act", as enacted and implemented by at least twelve of Tennessee's sister states.

SECTION 2. The joint study committee shall consist of three (3) members of the Judiciary Committee of the Senate, to be appointed by the Speaker of the Senate, and three (3) members of the Judiciary Committee of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The membership of the committee shall also include the prime sponsor of this act in the Senate and the prime sponsor of this act in the House of Representatives.

SECTION 3. The organizational meeting of the study committee shall be convened by the member having the longest period of continuous service in the general assembly. At such meeting, the committee shall elect from its membership a chair, vice chair and such other officers, as it deems prudent.

SECTION 4. All appropriate state entities shall provide assistance to the study committee upon request of its chair.

SECTION 5. Each member of the study committee shall remain a member of the committee until the committee reports its findings and recommendations to the general assembly, provided the member also continues to serve as a member of the general assembly.

SECTION 6. The study committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Fourth General Assembly no later than February 1, 2005, at which time the committee shall cease to exist.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion of Senator Norris, Amendment No. 1 was withdrawn.

On motion of Senator Norris, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2636**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--28.

Senator voting no was: Cohen--1.

A motion to reconsider was tabled.

Senate Bill No. 2599 -- Probate Law -- Revises certain provisions relative to gifts, estates, and probate. Amends TCA Title 30; Title 31; Title 32; Title 34; Title 35 and Title 67.

On motion, Senate Bill No. 2599 was made to conform with **House Bill No. 2639**.

On motion, House Bill No. 2639, on same subject, was substituted for Senate Bill No. 2599.

On motion of Senator Norris, Amendment No. 1 was withdrawn.

Senator Norris moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 1 of the engrossed House Bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 30-4-103(1), is amended by deleting the language "the largest creditor" and by substituting instead the language "any creditor".

AND FURTHER AMEND by deleting Section 11 of the engrossed House Bill and by substituting instead the following:

SECTION 11. Tennessee Code Annotated, Section 34-1-109, is amended by adding the following language as a new subsection:

(c) The social security number of the respondent shall be given to the duly appointed fiduciary and to the clerk to be placed in the court record and used in the issuance of letters of guardianship or conservatorship and in any other manner approved by the court.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2639**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--28.

A motion to reconsider was tabled.

Senate Bill No. 2628 -- Highway Signs -- "Robert C. Lanier Bridge", Germantown Parkway (S.R. 177) over Wolf River in Shelby County.

On motion, Senate Bill No. 2628 was made to conform with **House Bill No. 2674**.

On motion, House Bill No. 2674, on same subject, was substituted for Senate Bill No. 2628.

On motion of Senator Norris, Amendment No. 1 was withdrawn.

Senator Norris moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting from Section 1 of the introduced bill the language "Robert C. Lanier Bridge" and by substituting instead the language "Robert C. 'Bobby' Lanier Bridge".

AND FURTHER AMEND by deleting from Section 2 of the introduced bill the language "Robert C. Lanier Bridge" and by substituting instead the language "Robert C. 'Bobby' Lanier Bridge".

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2674**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 2664 -- Gas, Petroleum Products, Volatile Oils -- Enacts the "Tennessee Agricultural Ethanol Production Act of 2004". Amends TCA Title 68, Chapter 135.

On motion, Senate Bill No. 2664 was made to conform with **House Bill No. 3067**.

On motion, House Bill No. 3067, on same subject, was substituted for Senate Bill No. 2664.

Senator Miller moved that Amendment No. 1 be placed behind Amendment No. 4, which motion prevailed.

Senator McLeary moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator McLeary moved that Amendment No. 3 be placed behind Amendment No. 2, which motion prevailed.

On motion of Senator Henry, Amendment No. 4 was withdrawn.

On motion of Senator Miller, Amendment No. 1 was withdrawn.

On motion of Senator Clabough, Amendment No. 2 was withdrawn.

On motion of Senator Clabough, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 3067** passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

Senate Bill No. 2794 -- Alcoholic Beverage Commission -- Increases privilege tax for licenses; allows commission to retain money collected from licensure fees instead of such money being deposited with state treasurer. Amends TCA Section 57-3-203; Section 57-3-204; Section 57-3-206; Section 57-3-207; Section 57-3-605; Section 57-4-102 and Section 57-4-301.

On motion, Senate Bill No. 2794 was made to conform with **House Bill No. 2762**.

On motion, House Bill No. 2762, on same subject, was substituted for Senate Bill No. 2794.

On motion of Senator Cohen, Amendment No. 1 was withdrawn.

Senator Cohen moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting all language following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 57-3-206, is amended by adding a period after the words "of such licenses"; by deleting the language ", and the commission shall deposit collections monthly with the state treasurer, for the general funds of the state" and by substituting instead the following language:

The commission shall deposit collections with the state treasurer to be earmarked for and allocated to the commission for the purpose of the administration and enforcement of the duties, powers, and functions of the commission.

SECTION 2. Tennessee Code Annotated, Section 57-3-207(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

Each applicant for a winery license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review. Such license shall not be issued until a license fee of one hundred and fifty dollars (\$150) is paid to the commission by the winery, but issuance of the license is exempt from the requirements of § 57-3-106. The

commission shall deposit collections with the state treasurer to be earmarked for and allocated to the commission for the purpose of the administration and enforcement of the duties, powers, and functions of the commission.

SECTION 3. Tennessee Code Annotated, Section 57-3-204(b)(1), is amended by:

(1) Adding the following language to the beginning of the subsection:

Each applicant for a retail license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review.

(2) Deleting the language "five hundred dollars (\$500)" and substituting instead the language "eight hundred fifty dollars (\$850)".

SECTION 4. Tennessee Code Annotated, Section 57-3-605(b), is amended by deleting the language "fifty dollars (\$50.00)" and by substituting instead the language "one hundred and fifty dollars (\$150)"; and is further amended by deleting the language "one hundred dollars (\$100)", and substituting instead the language "two hundred fifty dollars (\$250)".

SECTION 5. Tennessee Code Annotated, Section 57-3-203(b), is amended by:

(1) Adding the following language to the beginning of the section:

Each applicant for a wholesale license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review.

(2) Deleting the language "one thousand dollars (\$1,000)" and substituting the language "three thousand dollars (\$3,000)".

SECTION 6. Tennessee Code Annotated, Section 57-4-102(28)(C), is amended by deleting the language "fifty dollars (\$50.00)" and substituting instead the language "one hundred dollars (\$100)".

SECTION 7. Tennessee Code Annotated, Section 57-4-301(b), is amended by deleting subdivision (1) in its entirety and substituting instead the following language:

(1) Each applicant for an on-premises consumption license shall pay to the commission a one-time, non-refundable fee in the amount of three hundred dollars (\$300) when the application is submitted for review. Further, once a license is approved, for the exercise of such privilege, the following taxes are levied to be earmarked for and allocated to the commission for the purpose of the administration and enforcement of the duties, powers, and functions of the commission, and are to be paid annually, as follows:

	<u>July 2003</u>	<u>Effective July 2004</u>
(A) Private Club	\$300	\$500
(B) Convention Center	\$500	\$1,000
(C) Premier Type Tourist Resort	\$1,500	\$2,000
(D) Historic Performing Arts Center	\$300	\$150
(E) Urban Park Center	\$500	\$150
(F) Commercial Passenger Boat Company	\$750	\$1,250
(G) Historic Mansion House Site	\$300	\$150
(H) Historic Interpretive Center	\$300	\$150
(I) Community Theater	\$300	\$150
(J) Zoological Institution	\$300	\$150
(K) Museum	\$300	\$150
(L) Establishment in a Terminal Building of a Commercial Air Carrier Airport	\$1,000	\$1,500
(M) Commercial Airline Travel Club	\$500	\$1,000
(N) Public Aquarium	\$300	\$150
(O) Motor Speedway	\$1,000	\$2,000
(P) Sports Facility	\$1,000	\$2,000
(Q) Theater	\$300	\$150

Further, for the exercise of such privilege, the following taxes are hereby levied to be earmarked for and allocated to the commission for the purpose of administration and enforcement of the duties, powers, and functions of the commission, and are to be paid in accordance with the following schedule:

(R) Restaurant, according to seating capacity, on licensed premises:

	<u>July 2003</u>	<u>July 2004</u>	<u>July 2005</u>	<u>July 2006</u>
(i) 75 – 125 seats	600	650	700	750
(ii) 126 – 175 seats	750	800	850	925
(iii) 176 – 225 seats	800	850	900	975
(iv) 226 – 275 seats	900	950	1,025	1,100
(v) 276 seats and more	1,000	1,050	1,125	1,200

Wine-only restaurant, according to seating capacity on licensed premises:

(vi) 40 – 125 seats	120	170	220	270
(vii) 126 – 175 seats	150	200	250	300
(viii) 176 – 225 seats	160	210	260	310
(ix) 226 – 275 seats	180	230	280	330

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(x) 276 seats and more	200	250	300	350
(S) Caterers	500	550	575	625
(T) Hotels, according to room capacity, on licensed premises:				
(i) 0 – 99 rooms	1,000	1,000	1,000	1,000
(ii) 100 – 399 rooms	1,000	1,000	1,200	1,250
(iii) 400 rooms and over 1,000		1,200	1,400	1,500

SECTION 8. Tennessee Code Annotated, Section 57-4-301(b)(2), is amended by adding the following language after the first sentence:

However, such privilege tax collected by the county or municipality will remain at the 2003 level; any monetary increase of the privilege tax in fiscal years beginning July 1, 2004, and thereafter, as provided in this subsection will be solely used for the purpose of the administration and enforcement of the duties, powers, and functions of the Tennessee alcoholic beverage commission.

SECTION 9. Tennessee Code Annotated, Section 57-4-301(d), is amended by deleting the language "seven hundred fifty dollars (\$750)" and by substituting instead the language "twelve hundred fifty dollars (\$1250)".

SECTION 10. Tennessee Code Annotated, Section 57-4-301(f), is amended by deleting the language "a five hundred dollar (\$500) additional privilege tax," and by substituting instead the language "an additional privilege tax in accordance with subsection (b)(1)(S).".

SECTION 11. Tennessee Code Annotated, Title 57, Chapter 4, Part 1, is amended by adding the following as a new, appropriately designated section:

57-4-1___. Any art gallery that does not sell food or beverages and that receives ninety percent (90%) of its revenue from the sale of artwork may serve wine to patrons of such art gallery without a charge. Such art gallery shall not serve wine to a patron who is intoxicated or believed to be intoxicated. Notwithstanding any other provision of law to the contrary, any art gallery permitted to serve wine under this section shall not be required to pay any fees or taxes related to the privilege of serving wine.

SECTION 12. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion of Senator Cohen, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2762**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 1

Senators voting aye were: Atchley, Bryson, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--28.

Senator voting no was: Burchett--1.

A motion to reconsider was tabled.

MOTION

Senator McNally moved that Rule 38 be suspended for the purpose of placing all memorializing and congratulatory resolutions on a Consent Calendar for today, which motion prevailed.

RECESS

Senator Crutchfield moved the Senate stand in recess until 6:45 p.m. today, which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1249. The House nonconcurred in Senate Amendments Nos. 1, 2 and 4.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2137, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to request the return of Senate Bill No. 2152, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2419, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2916, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3066, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3100, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3137, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return House Bill No. 3399, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return Senate Bill No. 601. The House moved to lift from the table the motion to reconsider its action on Senate Bill No. 601. The House reconsidered Senate Bill No. 601 on third and final consideration. The House adopted Amendment No. 2 and repassed Senate Bill No. 601 on third and final consideration, as amended.

BURNEY T. DURHAM,
Chief Clerk.

CALENDAR

Senate Bill No. 2811 -- Child Custody and Support -- Permits a significant existing relationship to be established for purposes of grandparent visitation without an expert witness; instructs the court to consider whether a reasonable person would find that such a relationship exists. Amends TCA Title 36.

On motion, Senate Bill No. 2811 was made to conform with **House Bill No. 2739**.

On motion, House Bill No. 2739, on same subject, was substituted for Senate Bill No. 2811.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2739** passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder --29.

A motion to reconsider was tabled.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #4**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 19, 2004: Senate Resolutions Nos. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267 and 270; and Senate Joint Resolutions Nos. 1180, 1182, 1183, 1184, 1187, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199 and 1202.

This the 19th day of May, 2004.
CROWE, Chairperson.

CONSENT CALENDAR NO. 4

Senate Resolution No. 228 -- Memorials, Heroism -- 3-115 Ordnance Detachment, Tennessee National Guard.

Senate Resolution No. 229 -- Memorials, Heroism -- 3-115 Field Artillery Battalion, Memphis/Covington.

Senate Resolution No. 230 -- Memorials, Heroism -- 267th Military Police Company, Tennessee National Guard.

Senate Resolution No. 231 -- Memorials, Heroism -- 771st Maintenance Company, Tennessee National Guard.

Senate Resolution No. 232 -- Memorials, Heroism -- 730th Quartermaster Company, Tennessee National Guard.

Senate Resolution No. 233 -- Memorials, Heroism -- 30th Finance Battalion, Tennessee National Guard.

Senate Resolution No. 234 -- Memorials, Heroism -- 1130th Finance Detachment, Tennessee National Guard.

Senate Resolution No. 235 -- Memorials, Heroism -- 1129th Finance Detachment, Tennessee National Guard.

Senate Resolution No. 236 -- Memorials, Heroism -- 1128th Finance Detachment, Tennessee National Guard.

Senate Resolution No. 237 -- Memorials, Heroism -- 230th Army Liaison Team, Smyrna.

Senate Resolution No. 238 -- Memorials, Heroism -- Company E, 107th Aviation, Smyrna.

Senate Resolution No. 239 -- Memorials, Heroism -- 212th Engineer Company, Tennessee National Guard.

Senate Resolution No. 240 -- Memorials, Heroism -- 1-115 Field Artillery Battalion, FWD, Tennessee National Guard.

Senate Resolution No. 241 -- Memorials, Heroism -- 1175th Transportation Company, Tennessee National Guard.

Senate Resolution No. 242 -- Memorials, Heroism -- 130th Rear Area Operation Center, Tennessee National Guard.

Senate Resolution No. 243 -- Memorials, Heroism -- 777th Maintenance, Forward Deployment, Nashville/Lewisburg.

Senate Resolution No. 244 -- Memorials, Heroism -- State Area Command, Forward Deployment 5, Nashville.

Senate Resolution No. 245 -- Memorials, Heroism -- 278th Military Intelligence Company, FWD, Tennessee National Guard.

Senate Resolution No. 246 -- Memorials, Heroism -- State Area Command, Forward Deployment 6, Nashville.

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Senate Resolution No. 247 -- Memorials, Heroism -- 105th Personnel Services Battalion, Tennessee National Guard.

Senate Resolution No. 248 -- Memorials, Heroism -- 173rd Personnel Services Detachment, Tennessee National Guard.

Senate Resolution No. 249 -- Memorials, Heroism -- 568th Personnel Services Detachment, Tennessee National Guard.

Senate Resolution No. 250 -- Memorials, Heroism -- State Area Command, Forward Deployment 7, Nashville.

Senate Resolution No. 251 -- Memorials, Heroism -- 777th Maintenance Company, Nashville/Lewisburg.

Senate Resolution No. 252 -- Memorials, Heroism -- HHSB, 2-115 Field Artillery, Forward Deployment, Henderson.

Senate Resolution No. 253 -- Memorials, Heroism -- HHSB, 2-115 Field Artillery, Henderson.

Senate Resolution No. 254 -- Memorials, Heroism -- Battery C, 2-115 Field Artillery, Bolivar/Selmer.

Senate Resolution No. 255 -- Memorials, Heroism -- 731st Ordnance Detachment, Tennessee National Guard.

Senate Resolution No. 256 -- Memorials, Heroism -- 1-181st Field Artillery Battalion, Tennessee National Guard.

Senate Resolution No. 257 -- Memorials, Heroism -- 1-146 Medical Company, Knoxville.

Senate Resolution No. 258 -- Memorials, Heroism -- 4th Squadron of the 278th Armored Cavalry Regiment, Smyrna/Alcoa.

Senate Resolution No. 259 -- Memorials, Heroism -- 269th Military Police Company, Tennessee National Guard.

Senate Resolution No. 260 -- Memorials, Heroism -- 775th Engineer Detachment, Tennessee National Guard.

Senate Resolution No. 261 -- Memorials, Heroism -- 194th Engineers, Forward Deployment 3, Jackson.

Senate Resolution No. 262 -- Memorials, Heroism -- 194th Engineers Forward Deployment, Jackson.

Senate Resolution No. 263 -- Memorials, Heroism -- 268th Military Police Company, Ripley/Dyersburg.

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Senate Resolution No. 264 -- Memorials, Heroism -- 168th Military Police Battalion, Tennessee National Guard.

Senate Resolution No. 265 -- Memorials, Heroism -- 776th Maintenance, Elizabethton.

Senate Resolution No. 266 -- Memorials, Retirement -- Carol Livingston.

Senate Resolution No. 267 -- Memorials, Death -- James C. Robbins.

Senate Resolution No. 270 -- Memorials, Interns -- Neesha Shah.

Senate Joint Resolution No. 1180 -- Memorials, Interns -- Melissa Aldridge.

Senate Joint Resolution No. 1182 -- Memorials, Academic Achievement -- Brittney McCall Mebane, Valedictorian, Gleason High School.

Senate Joint Resolution No. 1183 -- Memorials, Academic Achievement -- Kristie Lynn Newsom, Salutatorian, Gleason High School.

Senate Joint Resolution No. 1184 -- Memorials, Public Service -- Richard J. Hanks.

Senate Joint Resolution No. 1187 -- Memorials, Interns -- Jessa Fahey.

Senate Joint Resolution No. 1189 -- Memorials, Professional Achievement -- Bobbie Christiansen, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1190 -- Memorials, Professional Achievement -- Cindy Kelley, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1191 -- Memorials, Professional Achievement -- Cindy Sams, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1192 -- Memorials, Professional Achievement -- Gina Broyles, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1193 -- Memorials, Professional Achievement -- Louann Southerland, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1194 -- Memorials, Professional Achievement -- Jamie Sandel, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1195 -- Memorials, Professional Achievement -- Julie Shelton, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1196 -- Memorials, Professional Achievement -- Billy Joe Wilds, Greenville School System Teacher of the Year.

Senate Joint Resolution No. 1197 -- Memorials, Academic Achievement -- Stephen Allbritten, Salutatorian, Henry County High School.

Senate Joint Resolution No. 1198 -- Memorials, Academic Achievement -- Georgianne Horma, Valedictorian, Lake County High School.

Senate Joint Resolution No. 1199 -- Memorials, Academic Achievement -- Elizabeth Keefe, Salutatorian, Lake County High School.

Senate Joint Resolution No. 1202 -- Memorials, Recognition -- Gordon Stoker.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 2813 -- Courts, General Sessions -- Establishes procedure for general sessions courts to correct judgment or order due to mistake or fraud or because judgment is void, satisfied, discharged or reversed. Amends TCA Title 16, Chapter 15.

On motion, Senate Bill No. 2813 was made to conform with **House Bill No. 2742**.

On motion, House Bill No. 2742, on same subject, was substituted for Senate Bill No. 2813.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2742** passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 2850 -- Anatomical Gifts -- Defines a "document of gift" to include a card, a will, or a statement on a driver license; includes guardians, persons with a durable power of attorney for health care, and adults who have shown special concern for the decedent and who are familiar with the decedent's values as persons able to authorize an anatomical gift. Amends TCA Title 68, Chapter 30.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in their entirety all sections following the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 68-30-102, is amended by adding the following new subdivision (3) and by redesignating the subsequent subdivisions:

(3) "Document of gift" means a writing of any nature used to make an anatomical gift, including but not limited to a card, a will, or a statement attached to or imprinted on a driver license.

SECTION 2. Tennessee Code Annotated, Section. 68-30-115(a), is amended by deleting subdivisions (1)-(6) in their entireties and by substituting instead the following:

(1) A guardian or conservator of the person of the decedent at the time of death if the court order authorizes the guardian or conservator to make health care decisions;

(2) A person legally authorized to make health care decisions for the decedent prior to death including but not limited to a person with the power of attorney for health care pursuant to Tennessee Code Annotated, Section 34-6-201;

(3) The spouse of the decedent;

(4) An adult son or daughter of the decedent;

(5) A parent of the decedent;

(6) An adult sister or brother of the decedent;

(7) A grandparent of the decedent; and

(8) Any other person authorized or under obligation to dispose of the body.

SECTION 3. Tennessee Code Annotated, Section 68-30-115(c), is amended by deleting the language "(a)(1) and (2)" and by substituting instead the language "(a)(3) and (4)" and by deleting the language "(a)(3) through (6)" and substituting instead the language "(a)(1), (2), (5), (6), (7) and (8)".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2850**, as amended, passed its third and final consideration by the following vote:

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Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senator Herron moved that **Senate Bill No. 2862** be moved five places down on the calendar for today, which motion prevailed.

Senate Bill No. 2922 -- Arrests -- Deletes certain procedures and standards pertaining to the issuance of warrants of arrest. Amends TCA Title 40, Chapter 6, Part 2.

On motion, Senate Bill No. 2922 was made to conform with **House Bill No. 3008**.

On motion, House Bill No. 3008, on same subject, was substituted for Senate Bill No. 2922.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3008** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Ramsey moved that **Senate Bill No. 2935** be moved five places down on the calendar for today, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 2973** be placed at the heel of the calendar for today, which motion prevailed.

Senate Bill No. 3017 -- Education -- Allows development districts as well as LEAs and human resource agencies to be service delivery systems for character education. Amends TCA Section 37-5-204 and Title 49, Chapter 6.

On motion, Senate Bill No. 3017 was made to conform with **House Bill No. 3456**.

On motion, House Bill No. 3456, on same subject, was substituted for Senate Bill No. 3017.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1007(d), is amended by adding the following subdivision (5):

(5) Based upon the findings of the annual report required by this subsection, the Department of Education shall institute a program to recognize those schools that have developed model instructional methods and administrative policies for the delivery of character education and provide professional development opportunities for the dissemination of these "best practices" to local education agencies statewide. The department will utilize existing resources in the implementation of this section.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3456**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 3031 -- Firefighters -- Enacts the "Good Samaritan Volunteer Firefighters' Assistance Act". Amends TCA Title 29, Chapter 34, Part 2.

On motion, Senate Bill No. 3031 was made to conform with **House Bill No. 2612**.

On motion, House Bill No. 2612, on same subject, was substituted for Senate Bill No. 3031.

Thereupon, **House Bill No. 2612** passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 2862 -- Child Custody and Support -- Requires Department of Human Services to terminate or modify child support upon verifying proof that child has reached majority, died, or graduated from high school; requires parent to supply proof of child's age, death, or graduation; requires LEA to provide proof of child's graduation within 20 days of request from department or child's parents. Amends TCA Title 36, Chapter 6 and Title 36, Chapter 5.

On motion, Senate Bill No. 2862 was made to conform with **House Bill No. 3337**.

On motion, House Bill No. 3337, on same subject, was substituted for Senate Bill No. 2862.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Senator Herron moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(a), is amended by adding the following as a new subdivision (6):

(6)(A) In Title IV-D child support cases the Department of Human Services is enforcing, the department shall provide a child support obligor notice ninety (90) days prior to the eighteenth (18th) birthday of a child or children for whom the obligor is paying child support, as such birthday is indicated by the department's records.

(B) If the following conditions are met, then the obligor may seek termination of the order of support and may also request that the department, as required by federal law, assist in seeking termination of the order:

(i) The department's records demonstrate that the child for whom an order of support in a Title IV-D child support case has been entered has reached eighteen (18) years of age and has graduated from high school, or that the class of which the child is a member when the child reached eighteen (18) years of age has graduated from high school, the obligor has otherwise provided the department with written documentation of such facts, or the obligor has provided the department with written documentation that a child for whom the obligor is required to pay support has died or has married; and

(ii) No other special circumstances exist, including but not limited to the circumstances provided for in § 36-5-101(p) regarding disabled children, that require the obligation to continue; and

(iii) The obligor does not owe arrearages to the obligee parent, any guardian or custodian of the child, the Department of Human Services, or to any other agency of the State of Tennessee, or any other Title IV-D agency of any state; and

(iv) The costs of court have been paid; and

(v) There are no other children for whom the obligor is required to pay child support.

(C)(i) If the conditions of subitems (B)(i)-(v) exist in the Title IV-D case as shown by the department's records, or such conditions exist based upon the written documentation provided by the obligor and verified by the department, then the department shall immediately suspend the order of support temporarily, for the child who has reached majority. If the existing court order was the result of a deviation from the child support guidelines, the department immediately shall seek from the court termination of the support order for such child, and shall provide the obligee with notice of the filing of the petition to terminate such order.

(ii) If the existing order was not the result of a deviation from the child support guidelines, the department shall give notice to the obligee and to the other obligor of the temporary suspension of the order based upon verification of the status of the case pursuant to item (B), of its intent to permanently terminate the support order by an administrative order, which the department may issue for such purpose, and of the opportunity for a hearing upon the issue of permanent termination of the order.

(iii) If the obligee contests the temporary suspension of the order of support under the circumstances of (B)(i)-(v) and prevails following entry of the court or administrative order, the obligor shall pay the support amounts and any other arrearages or court costs not paid as a result of the temporary suspension of the order. The administrative order shall be filed with the clerk of the court having jurisdiction of the case.

(D)(i) If the conditions of items (B)(i)-(iv) are met in the Title IV-D case, but there are other children for whom the obligor is still obligated to support, the department shall immediately conduct a review of the support order and shall seek its adjustment if appropriate under the child support guidelines for such children. The obligor shall continue to make child support payments in accordance with the existing order until the court or department modifies the order pursuant to this subdivision.

(ii) If the existing court order was the result of a deviation from the child support guidelines, the department shall seek modification of the support order from the court, and shall provide the obligee and the obligor with notice of the filing of the petition to modify such order.

(iii) If the existing order was not the result of a deviation from the child support guidelines, and the department reviews the order and determines that the order should be modified pursuant to such guidelines, then the department shall notify the parties of its intent to modify the support order by an administrative order, which the department may issue for such purpose, and shall notify the parties of

the opportunity for a hearing upon the issue of modification of the order.

(iv) The support order shall be modified as established by order of the court or the department as required pursuant to the child support guidelines. If the modified payment amount is lower than the payment amount required prior to the modification, then the obligor shall be given credit for such amount against future payments of support for the remaining children under the order. If the modified payment amount is higher than the payment amount required prior to the modification, then the obligor shall pay the higher ordered amount from the date of entry of the order. The administrative order shall be filed with the clerk of the court having jurisdiction of the case.

(E) The department's review and adjustment process and the administrative hearing process outlined in this subdivision shall comply with any other due process requirements for notice to the obligor and obligee as may otherwise be required by this chapter.

SECTION 2. Tennessee Code Annotated, Section 36-5-503(a)(1)(C), is amended by deleting that item in its entirety and substituting instead the following language:

(C) The child or children has reached majority and has graduated from high school, or the class of which the child is a member when the child attains eighteen (18) years of age graduates, whichever occurs later, and no other special circumstances requiring the obligation to continue exist.

SECTION 3. Tennessee Code Annotated, Section 36-5-503(a)(5)(A), is amended by deleting the language "may" before the language "administratively terminate" and by substituting instead the language "shall", and is further amended by inserting the language "in accordance with this section" at the end of the first sentence of the item.

SECTION 4. Tennessee Code Annotated, Section 36-6-104, is amended by inserting the following as a new subsection (b) and by redesignating the current subsection (b) as subsection (c):

(b) The local education agency shall provide proof of a child's graduation from high school to the Department of Human Services, the department's contractor, or either of the child's parents within twenty (20) business days of the department's, the department's contractor, or the parent's or parents' written request for such proof. The local education agency shall not include any information that would violate any provisions protecting the child's privacy, or §36-5-101(a)(4)(B)(iv).

SECTION 5. This act shall take effect January 1, 2005, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3337**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 3034 -- Child Custody and Support -- Directs the administrative office of the courts to develop and implement a standardized form for all courts statewide to use in developing and approving parenting plans. Amends TCA Title 36, Chapter 6, Part 4.

On motion, Senate Bill No. 3034 was made to conform with **House Bill No. 2614**.

On motion, House Bill No. 2614, on same subject, was substituted for Senate Bill No. 3034.

Thereupon, **House Bill No. 2614** passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 2935 -- Law Enforcement -- Encourages law enforcement agencies to open their shooting ranges to the public when such ranges are not being used by law enforcement personnel; allows agency to charge reasonable fee to public users. Amends TCA Title 38, Chapter 8, Part 1.

On motion, Senate Bill No. 2935 was made to conform with **House Bill No. 2629**.

On motion, House Bill No. 2629, on same subject, was substituted for Senate Bill No. 2935.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2629** passed its third and final consideration by the following vote:

Ayes 28
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Senator voting no was: Cohen--1.

A motion to reconsider was tabled.

Senate Bill No. 3077 -- Education, Higher -- Adds the Commissioner of Economic and Community Development to the Tennessee Higher Education Commission; provides for various studies by THEC and the office of education accountability. Amends TCA Section 4-3-308 and Title 49, Chapter 7.

On motion, Senate Bill No. 3077 was made to conform with **House Bill No. 2865**.

On motion, House Bill No. 2865, on same subject, was substituted for Senate Bill No. 3077.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-7-202(c), is amended by deleting subdivision (c)(1) in its entirety and substituting instead the following:

(c)(1) Develop a statewide master plan for future development of public higher education in Tennessee, which shall include the state technology centers. The commission shall make recommendations to the governing boards of the various institutions and the governor, as well as the general assembly, through the Senate and House Education Committees, on the implementation of the master plan. The master plan shall be published in accordance with the rules, regulations, policies and procedures of the state publications commission. In developing the master plan, the commission shall engage regional and statewide constituencies to ensure that the document supports the development of a public agenda for higher education. In doing so, the commission shall establish a master plan that requires a broad degree of regional cooperation between post-secondary institutions with secondary institutions, and business, civic, and community leaders. To support this initiative, the commission shall develop county and regional profiles that frame planning objectives from a regional perspective. Master planning goals should include but not be limited to:

(A) Increasing educational attainment levels of Tennesseans;

(B) Improving retention and graduation rates of public universities;

(C) Creating improved linkages with regional economic and community development entities;

(D) Increasing degree production in areas central to the public agenda;

(E) Creating improved regional and statewide linkages with K-12 education to ensure that students are prepared for post-secondary education;

(F) Improving teacher education programs to ensure that graduates are prepared for the classroom;

(G) Increasing participation in adult literacy programs; and

(H) Broadening research and development initiatives in areas central to the public agenda.

SECTION 2. Tennessee Code Annotated, Section 49-7-202(c), is amended by deleting the first five (5) lines of subdivision (c)(2) and substituting instead the following:

(c)(2) Develop policies and formulae or guidelines for fair and equitable distribution and use of public funds among the state's institutions of higher learning that is consistent with and furthers the goals of the statewide master plan, taking into account enrollment projections, recognizing institutional differences as well as similarities in function, service, academic programs, and levels of instruction. Additionally, such policies and formulae or guidelines shall also support and enhance regional collaboration and student access through financial aid, while being mindful of the funding capacity of the state;

SECTION 3. Tennessee Code Annotated, Section 49-7-202(c)(2)(A), is amended by adding new language at the end of the subdivision as follows:

The commission shall review and revise the current formulae and provide the Senate and House Education Committees with a report on progress made during each session of the 104th General Assembly. The formulae shall be utilized to determine the higher education appropriations recommendation no later than the 2006-2007 fiscal year. The commission shall submit the revised higher education funding formulae to the office of legislative budget analysis and the comptroller of the treasury no later than December 1 of each year. The office of legislative budget analysis and the comptroller of the treasury shall each provide comments on the higher education funding formula to the chairs of the Education and Finance, Ways and Means Committees.

SECTION 4. Tennessee Code Annotated, Section 49-7-202(c)(8), is amended by deleting the subdivision in its entirety and substituting instead the following language:

(c)(8) Review and approve or disapprove all proposals by any existing higher education institution to establish a physical presence at any location other than its main campus, or to extend an existing location, which will be utilized for administrative purposes or to offer courses for which academic credit is offered. If the new location will create or expand a physical presence out of state, the higher education institution shall, through its governing board, file with the commission a notice of intent to initiate out of state instructional activity prior to the development of the proposal. The commission shall, no later than February 15 of each year, report to the chairs of the fiscal review and education committees of any such notices filed in the previous year and

the status of that application. The commission shall develop policies and procedures governing the process outlined in this subdivision. The provisions of this subdivision shall apply to state technology centers; and

SECTION 5. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2865**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 1524

On motion of Senator Southerland, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 1524** passed its third and final consideration by the following vote:

Ayes	28
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--28.

Senator present and not voting was: Southerland--1.

A motion to reconsider was tabled.

Senate Bill No. 3094 -- Lottery, Charitable -- Requires 501(c)(3) organizations authorized to conduct an annual event in calendar year 2004 to file an accounting with the comptroller of the treasury within 60 days after such event. Amends TCA Title 3; Title 4; Title 39 and Title 48.

On motion, Senate Bill No. 3094 was made to conform with **House Bill No. 3017**.

On motion, House Bill No. 3017, on same subject, was substituted for Senate Bill No. 3094.

On motion of Senator Cohen, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3017** passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 3150 -- Highway Signs -- "Charles C. Beard Memorial Bridge", State Bridge No. 60-03209-.19 on S.R. 6 in Maury County.

On motion, Senate Bill No. 3150 was made to conform with **House Bill No. 3098**.

On motion, House Bill No. 3098, on same subject, was substituted for Senate Bill No. 3150.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following section to precede the effective date section:

SECTION _____. This act shall become operative only if the cost of the manufacture and installation of such signs is paid to the Department of Transportation from non-state funds within one (1) year of the effective date of this act. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to the person or entity paying for such signs within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department in non-state funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3098**, as amended, passed its third and final consideration by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

Senate Bill No. 3203 -- Correctional Programs -- Adds public easements and alongside public waterways to list of places counties can permit misdemeanor workhouse or jail prisoners to work for reduction credits. Amends TCA Section 41-2-123.

On motion, Senate Bill No. 3203 was made to conform with **House Bill No. 3363**.

On motion, House Bill No. 3363, on same subject, was substituted for Senate Bill No. 3203.

On motion of Senator Harper, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3363** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Bill No. 3295** be placed at the heel of the calendar for today, which motion prevailed.

Senate Bill No. 3314 -- Highway Signs -- Cookeville Regional Medical Center, I-40 at Exit 286 in Putnam County.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following section to precede the effective date section:

SECTION _____. This act shall become operative only if the cost of the manufacture and installation of such signs is paid to the Department of Transportation from non-state funds within one (1) year of the effective date of this act. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to the person or entity paying for such signs within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department in non-state funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3314**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senate Bill No. 3355 -- Courts, Municipal -- Enacts the "Municipal Court Reform Act". Amends TCA Title 6, Chapter 17, Part 1; Title 6, Chapter 18, Part 3; Title 6, Chapter 21, Part 5; Title 6, Chapter 33, Part 1; Title 6, Chapter 4, Part 3; Title 6, Chapter 56, Part 1; Title 16, Chapter 18, Part 3; Title 16, Chapter 21, Part 1; Title 16, Chapter 17, Part 1; Title 16, Chapter 18, Part 2; Title 17, Chapter 3; Title 17, Chapter 5, Part 2; Title 55, Chapter 10, Part 3 and Title 67, Chapter 4, Part 6.

On motion, Senate Bill No. 3355 was made to conform with **House Bill No. 3423**.

On motion, House Bill No. 3423, on same subject, was substituted for Senate Bill No. 3355.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Senator Person moved that **House Bill No. 3423** be moved three places down on the calendar for today, which motion prevailed.

Senate Bill No. 3364 -- Criminal Offenses -- Creates Class C felony offense of identity theft trafficking; declares that victim of identity theft is also a crime victim; establishes method for law enforcement to obtain records from public or private entity in cases of identity theft; and establishes standards for destruction of records maintained by private entity that contain personal identifying information concerning a client. Amends TCA Title 39, Chapter 14, Part 1 and Title 40, Chapter 38.

On motion, Senate Bill No. 3364 was made to conform with **House Bill No. 3403**.

On motion, House Bill No. 3403, on same subject, was substituted for Senate Bill No. 3364.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-150, is amended by deleting the section in its entirety and substituting instead the following:

Section 39-14-150. (a) A person commits the offense of identity theft who knowingly obtains, possesses, buys, or uses, the personal identifying information of another:

(1) With the intent to commit any unlawful act, including, but not limited to, obtaining or attempting to obtain credit, goods, services or medical information in the name of such other person; and

(2)(A) Without the consent of such other person; or

(B) Without the lawful authority to obtain, possess, buy or use such identifying information.

(3) For purposes of the offense of identity theft, an activity involving a possession, use or transfer that is permitted by the Tennessee Financial Records Privacy Act, codified in Title 45, Chapter 10; Title V of the Gramm-Leach-Bliley Act, C.P.L. 106-102; or the Fair Credit Reporting Act, as amended by the Fair and Accurate Credit Transactional Act, (15 U.S.C.1681 et seq.) shall not be considered an "unlawful act".

(b)(1) A person commits the offense of identity theft trafficking who knowingly sells, transfers, gives, trades, loans or delivers, or possesses with the intent to sell, transfer, give, trade, loan or deliver, the personal identifying information of another:

(A) With the intent that such information be used by someone else to commit any unlawful act, including, but not limited to, obtaining or attempting to obtain credit, goods, services or medical information in the name of such other person; or

(B) Under circumstances such that the person should have known that the identifying information would be used by someone else to commit any unlawful act, including, but not limited to, obtaining or attempting to obtain credit, goods, services or medical information in the name of such other person; and

(C) The person does not have the consent of the person who is identified by the information to sell, transfer, give, trade, loan or deliver, or possess with the intent to sell, transfer, give, trade, loan or deliver, such information; and

(D) The person does not have lawful authority to sell, transfer, give, trade, loan or deliver, or possess with the intent to sell, transfer, give, loan or deliver, the personal identifying information.

(2) For purposes of the offense of identity theft trafficking, an activity involving a possession, use or transfer that is permitted by the Tennessee Financial Records Privacy Act, codified in Title 45, Chapter 10; Title V of the Gramm-Leach-Bliley Act, C.P.L. 106-102; or the Fair Credit Reporting Act, as amended by the Fair and Accurate Credit Transactional Act, (15 U.S.C.1681 et seq.) shall not be considered an "unlawful act".

(c) In a prosecution under subsection (b), the trier of fact may infer from the defendant's simultaneous possession of the personal identifying information of five (5) or more different individuals that such defendant possessed the personal identifying information with the intent to sell, transfer, give, trade, loan or deliver such information. However, if the defendant had the consent of one (1) or more of such individuals to possess the personal identifying information of that individual, any such

consenting individual shall not be counted in determining whether an inference of possession for sale may be drawn by the trier of fact.

(d) As used in this section, "personal identifying information" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including:

(1) Name, address, telephone number, health insurance identification number, school identification number, social security number, date of birth, official state or government issued driver license or identification number, alien registration number, passport number, employer or taxpayer identification number, place of employment, mother's maiden name, demand deposit account number, savings account number, checking account number, PIN (personal identification number) or password, credit or debit card number, or information contained in a birth or death certificate;

(2) Unique biometric data, such as fingerprint, facial scan identifiers, voice print, retina or iris image, or other unique physical representation;

(3) Unique electronic identification number, address, routing code, or other personal identifying data which enables an individual to obtain merchandise or service or to otherwise financially encumber the legitimate possessor of the identifying data; or

(4) Telecommunication identifying information or access device.

(e)(1) The general assembly recognizes that an offense under this section may result in more than one (1) victim. While a company or business that loses money, merchandise, or other thing of value as a result of such offense is a victim, it is equally true that the person whose identity is stolen is also a victim. The person whose identity is stolen suffers definite and measurable losses including expenses necessary to cancel, stop payment on, or replace stolen items such as credit cards, checks, driver licenses, and other documents, costs incurred in discovering the extent of the identity theft, in repairing damage from such theft such as credit ratings and reports and preventing further damages from the theft, long distance telephone charges to law enforcement officials, government offices, and businesses in regard to the theft, and lost wages from the time away from work required to obtain new personal identifying information and complete all of the tasks set out above. In addition to measurable losses, the person whose identity is stolen also suffers immeasurable damages such as stress and anxiety as well as possible health problems resulting from or aggravated by the offense.

(2) For the reasons set out in subdivision (1), the general assembly declares that any person whose identity is unlawfully obtained in violation of subsection (a) or (b) of this section is a victim of crime within the meaning of Article I, § 35 of the Constitution of Tennessee and Title 40, Chapter 38.

(f)(1) Notwithstanding any other provision of law to the contrary, a person who is the alleged victim of identity theft may, in accordance with the provisions of this subsection, sign a written authorization statement waiving any privacy

provisions and consenting to the disclosure of any records maintained by a public or private entity in the same name as such person. Any records released pursuant to this subsection shall only be released to the law enforcement agency with jurisdiction over the alleged offense.

(2) The alleged victim of identity theft shall sign and date a record release authorization statement that contains the following:

(A) The name of the law enforcement agency to which disclosure is authorized;

(B) The type of records which are authorized to be disclosed; and

(C) The period of time during which the authorization is valid.

An authorization statement executed pursuant to this subsection shall only remain valid for a period of one (1) year. More than one (1) type of record and records maintained by different entities may be included in a single authorization statement.

(3) Upon receiving an authorization statement, the law enforcement agency shall require the person to produce such person's social security number, a picture identification and such other indicia of identity as is necessary to ensure that the person completing the authorization statement is the same person as the person whose name appears on the statement seeking a release of records. If the person does not have a social security number or a picture identification, the agency may substitute other indicia of identity.

(4) If the investigating law enforcement officer believes that the release of such records would aid in the investigation and prosecution of the identity theft, such officer shall complete an affidavit stating that the named alleged victim of identity theft seeks to have certain records released and listing the indicia of identity used by the officer to verify that the person completing the authorization statement is the same person whose name appears on the statement seeking release of such person's records. The law enforcement agency shall keep a copy of the authorization statement and the affidavit in such person's case file.

(5) The officer shall take the original authorization statement and affidavit to the public or private entity maintaining the records the person seeks to release. Upon presenting these two (2) documents, the entity maintaining the records shall search to see if it currently maintains any records in such person's name. If so, the public or private entity shall check the indicia of identity contained in such maintained records to see if it matches the indicia of identity contained in the affidavit. The entity shall have no more than ten (10) business days from receipt of the authorization statement to conduct the records search, determine if the indicia of identity match, and respond to the law enforcement officer and person seeking release of the records.

(6) If the public or private entity does currently maintain records in such person's name and if the indicia of identity contained in such records does match the indicia of identity contained in the affidavit, the public or private entity shall keep the authorization statement and affidavit in such person's file and is then authorized to release such records to the law enforcement agency, as represented by the officer presenting the statement and affidavit.

(7) If identifying information about the person is contained in records released pursuant to this section and such records are later used in a criminal trial, at the conclusion of such trial, the judge shall seal such records to prevent further dissemination of the identifying information.

(8) Notwithstanding any other provision of law to the contrary, the public or private entity shall have no duty or obligation to notify the person who originally caused such records to be created and maintained that an authorization statement and affidavit has been filed seeking the release of such records or that such records were released in accordance with this subsection.

(9) No public or private entity shall be criminally or civilly liable for the release of records to a law enforcement agency if such release is accomplished in accordance with this subsection.

(10) Nothing in this subsection shall be construed to prohibit the release of records held by a public or private entity under any other applicable provision of law.

(11) Notwithstanding the provisions of this subsection to the contrary, the Department of Safety shall not be required to furnish records pursuant to this subsection until January 1, 2006, or until the new computer system in the titling and registration division of such department is in place and operational, whichever date occurs first.

(g)(1) Notwithstanding any other provision of law to the contrary, if a private entity or business maintains a record that contains any of the personal identifying information set out in subdivision (2) of this subsection concerning one of its customers, and the entity, by law, practice or policy discards such records after a specified period of time, any such record containing such personal identifying information shall not be discarded unless the business:

(A) Shreds or burns the customer's record before discarding the record;

(B) Erases the personal identifying information contained in the customer's record before discarding the record;

(C) Modifies the customer's record to make the personal identifying information unreadable before discarding the record; or

(D) Takes action to destroy the customer's personal identifying information in a manner that it reasonably believes will ensure that no

unauthorized persons have access to the personal identifying information contained in the customer's record for the period of time between the record's disposal and the record's destruction.

(2) As used in this subsection, "personal identifying information" means a customer's:

- (A) Social security number;
- (B) Driver license identification number;
- (C) Savings account number;
- (D) Checking account number;
- (E) PIN (personal identification number) or password;
- (F) Complete credit or debit card number;
- (G) Demand deposit account number;
- (H) Health insurance identification number; or
- (I) Unique biometric data.

(3)(A) A violation of this subsection shall be considered a violation of the Tennessee Consumer Protection Act of 1977, codified in Title 47, Chapter 18, and may be punishable by a civil penalty in the amount of five hundred dollars (\$500) for each record containing a customer's personal identifying information that is wrongfully disposed of or discarded. However, no such total penalty may exceed ten thousand dollars (\$10,000) for any one (1) customer.

(B) It is an affirmative defense to any civil penalty imposed pursuant to this subsection that the business used due diligence in its attempt to properly dispose of or discard such records.

(4) The methods of destroying the personal identifying information of a customer set out in this subsection shall be considered the minimum standards. If a private entity or business by law, practice or policy currently is required to have or otherwise has in place more stringent methods and procedures for destroying the personal identifying information in a customer's record than is required by this subsection, such private entity or business may continue to destroy the identifying information in the more stringent manner.

(5) To the extent that the provisions of this subsection conflict with applicable federal law, such subsection shall not apply to an entity that is subject to the enforcement authority of the Federal Banking agencies, the national credit union administration, the Federal Trade Commission or the Securities and Exchange Commission. For any such entity, the provisions of applicable federal law shall govern the proper disposition of records containing

consumer information, or any compilation of consumer information, derived from consumer reports for a business purpose.

(6) Notwithstanding subdivision (5) of this subsection, the provisions of this subsection shall not apply to any financial institution that is subject to the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. 6801, et seq., as amended, and as it existed on January 31, 2002;

(h)(1) The following property shall be subject to seizure and judicial forfeiture to the state in the manner provided:

(A) Any property, real or personal, directly or indirectly acquired by or received in violation of this section;

(B) Any property, real or personal, received as an inducement to violate this section;

(C) Any property, real or personal, traceable to the proceeds from such violation;

(D) Any property, real or personal, used in connection with or to facilitate a violation of this section; and

(E) All conveyances, including aircraft, vehicles or vessels, which are used, or are intended for use, in the commission of or escape from a violation of this section and any money, merchandise or other property contained in such conveyance.

(2) Property seized pursuant to this subdivision shall be seized and forfeited pursuant to the procedure set out in Title 39, Chapter 11, Part 7.

(3) Notwithstanding the provisions of § 39-11-713, property seized pursuant to this subsection shall be disposed of as follows:

(A) All property ordered forfeited shall be sold at public auction. The proceeds from all property forfeited and sold at public auction shall be disposed of by the court as directed by this section. The attorney general shall first be compensated for all expenses incident to the litigation, as approved by the court. Any such costs for appeals shall be provided for by the trial court upon conclusion of the litigation. The attorney general shall then direct that any public agency be reimbursed for out-of-pocket expenses resulting from the investigation, seizure and storage of the forfeited property.

(B) Out of the proceeds remaining, the court shall order restitution be made to the person or persons whose identity was stolen for any identifiable losses resulting from the offense.

(C) The court shall then award the remainder of the funds as follows:

(i) In the event that the investigating and seizing agency was the identity theft task force, twenty-five percent (25%) of the funds shall be distributed to the state treasurer who shall deposit the funds in a designated account to be used jointly by the Commissioner of Safety and the executive director of the district attorneys general conference to further the goals and operation of the identity theft task force;

(ii) In the event that the investigating and seizing agency was a state agency, twenty-five percent (25%) of the funds shall be distributed to the state treasurer who shall deposit the funds in a designated account for the agency to be used in its identity theft operations;

(iii) In the event that the investigating and seizing agency is the Tennessee Bureau of Investigation then, twenty-five percent (25%) of the funds shall be distributed to the state treasurer who shall deposit the funds in a designated account for the agency to be used in its identity theft operations;

(iv) In the event that the investigating and seizing agency is a local public agency then twenty-five percent (25%) of the funds shall be distributed to its local government for distribution to the law enforcement agency for use in the enforcement of this section. When more than one (1) local public agency participated in the investigation and seizure of forfeited property as certified by the attorney general, then the court shall order a distribution of the twenty-five percent (25%) of the funds according to the participation of each local public agency. Accounting procedures for the financial administration of such funds shall be in keeping with those prescribed by the comptroller of the treasury; and

(v) The remainder of such funds shall be distributed to the state treasurer who shall deposit the funds in a designated account to defray the state costs associated with the identity theft task force.

(4) For purposes of this subsection a local public agency includes any county or municipal law enforcement agency or commission, the district attorney general, or any local department or agency of local government authorized by the attorney general to participate in the investigation.

(5) Funds awarded under this section may not be used to supplement salaries of any public employee or law enforcement officer. Funds awarded under this section may not supplant other local or state funds.

(i)(1) Identity theft as prohibited by subsection (a) is a Class D felony.

(2) Identity theft trafficking as prohibited by subsection (b) is a Class C felony.

SECTION 2. Tennessee Code Annotated, Section 39-14-115, is amended by adding the following language as subsection (c) and by redesignating the existing subsection (c) as subsection (d):

(c) A person who owns, manufactures, distributes, buys, transfers, sells, or possesses a tool, apparatus, instrument, machine, implement or other device with the intent to use, permit its use or under circumstances in which such person knows it may be used to commit the offense of identity theft as defined in § 39-14-150 also violates this section.

SECTION 3. (a) From funds appropriated in the general appropriations act and from the proceeds of property seized and forfeited pursuant to § 39-14-150(h), there is created an identity theft task force whose purpose shall be to specialize in the detection, identification, investigation and prosecution of the offense of identity theft.

(b) The task force shall consist of:

(1) Three (3) new assistant district attorneys general positions that shall be administratively attached to the office of the executive director of the district attorneys general conference;

(2) Two (2) new criminal investigator positions that shall be administratively attached to the office of the Commissioner of the Department of Safety;

(3) The one (1) existing criminal investigator in the Department of Safety who shall be transferred to the office of the commissioner of such department for assignment to the task force.

(4) Such administrative and clerical personnel as are necessary to adequately staff the task force.

(5) An assistant district attorney, a criminal investigator and necessary clerical staff shall be located in each grand division of the state. If space is available, they shall be located in office space currently utilized by a district attorney general or the Department of Safety in each grand division.

(c)(1) The executive director of the district attorneys general conference shall employ the three (3) assistant district attorneys general on the task force. The task force assistant district attorneys general shall be compensated at the same level as an assistant district attorney general with comparable experience.

(2) The executive director shall assign one (1) assistant district attorney general and the necessary clerical staff to each grand division of the state and shall designate one of the assistants as the task force supervising attorney.

(3) Utilizing the procedure set out in subsection (e), the assistant district attorneys general on the task force shall have the authority to investigate and prosecute offenses in every county and judicial district in the state, regardless of the grand division to which they have been assigned.

(d)(1) The Commissioner of the Department of Safety shall employ the two (2) new criminal investigators on the task force.

(2) The commissioner shall assign one (1) criminal investigator to each grand division of the state and shall designate one of the investigators as the task force supervising investigators.

(e) The prosecution of identity theft cases shall be under the direction of the district attorney general for the judicial district in which the offense occurred and the assistant district attorney assigned to the identity theft task force shall assist the local district attorney general in the prosecution of such offense.

(f) By July 1, 2005, and every July 1 thereafter, the task force shall file a report with the Senate Commerce, Labor and Agriculture Committee and the House of Representatives Commerce Committee detailing the activities of the task force during the previous year. Such report shall include, but not be limited to, the number of cases investigated during that year, the number of investigations resulting in prosecution or seizure and forfeiture, the number of cases prosecuted, the disposition of each case investigated, the number of convictions and the sentence for each conviction, the number of victims involved in each case, the total value of goods and service lost by victims as the result of identity theft, the amount of money recovered from each case, if any, through fines, forfeitures or restitution and the number of cases that remain pending at the end of the year.

SECTION 4. For purposes of establishing the identity theft task force pursuant to Section 3, this act shall take effect upon becoming a law. For all other purposes, this act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Person moved that the Senate reconsider its action in adopting Amendment No. 1 to **House Bill No. 3403**, which motion prevailed.

Senator Person moved that Amendment No. 1 to **House Bill No. 3403** be withdrawn, which motion prevailed.

On motion of Senator Person, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3403** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 3390 -- Mental Illness -- Authorizes, in certain circumstances, audio-video conferencing for judicial hearings concerning persons with mental illness. Amends TCA Title 33.

On motion, Senate Bill No. 3390 was made to conform with **House Bill No. 3514**.

On motion, House Bill No. 3514, on same subject, was substituted for Senate Bill No. 3390.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3514** passed its third and final consideration by the following vote:

Ayes	29
Noes	2

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

Senators voting no were: Henry and Herron--2.

A motion to reconsider was tabled.

Senate Bill No. 3393 -- Labor and Workforce Development, Dept. of -- Effective July 1, 2004, revises formula for assignment of annual unemployment insurance premium rates for new employers. Amends TCA Section 50-7-403(b)(1)(B).

On motion, Senate Bill No. 3393 was made to conform with **House Bill No. 3503**.

On motion, House Bill No. 3503, on same subject, was substituted for Senate Bill No. 3393.

Thereupon, **House Bill No. 3503** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 3423

On motion of Senator Norris, Amendment No. 2 was withdrawn.

Senator Person moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting in Section 8 the language "January 1, 2005", wherever it appears, and by substituting instead the language "March 1, 2005".

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Thereupon, **House Bill No. 3423**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 3395 -- Local Education Agency -- Permits appeal of commissioner's decision to remove director of schools or school board member of school or school system on probation to be made to chancery court in county in which local board of education is located. Amends TCA Title 49, Chapter 1, Part 6.

On motion, Senate Bill No. 3395 was made to conform with **House Bill No. 3511**.

On motion, House Bill No. 3511, on same subject, was substituted for Senate Bill No. 3395.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding immediately preceding the enacting clause the following:

WHEREAS, since the passage of the Education Improvement Act of 1992, federal accountability requirements have become increasingly stringent regarding state and local education agency performance goals; and

WHEREAS, student assessments developed by the Department of Education must be consistent and in compliance with current federal regulations; and

WHEREAS, the Department of Education is striving to align state accountability standards with those mandated through federal statute; and

WHEREAS, this legislation is proposed to achieve a more unitary system of accountability, performance standards, and assessments; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-601(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a) The State Board of Education, in consultation with the commissioner, shall establish appropriate performance goals and measures.

SECTION 2. Tennessee Code Annotated, Section 49-1-601(b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(b)(1) All public schools and local education agencies shall make adequate yearly progress (AYP) in achieving proficiency for all student subgroups in core academic subjects, as determined by the State Board of Education.

(2) All public schools and local education agencies shall have academic growth for each measurable academic subject within each grade greater than or equal to standards for expected academic growth set by the commissioner with the approval of the state board. Growth shall be determined through the value added assessment provided for in §§ 49-1-603 - 49-1-608.

SECTION 3. Tennessee Code Annotated, Section 49-1-601(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(c) If schools or local education agencies do not have academic growth equal to or greater than the standards for expected academic growth based upon the Tennessee comprehensive assessment program (TCAP) tests (or tests which measure academic performance which are deemed appropriate), each school and local education agency is expected to make statistically significant progress toward that goal. The rate of progress within each grade and academic course, necessary to maintain compliance with this part, will be established after two (2) years of consecutive testing with tests adopted for each grade and subject, as provided in §§ 49-1-603 - 49-1-608. Schools or local education agencies which do not achieve the required rate of progress may be placed on probation pursuant to § 49-1-602.

SECTION 4. Tennessee Code Annotated, Section 49-1-601(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d) All schools within all local education agencies are expected to maintain appropriate levels of school attendance and graduation rates. The 1991-1992 school year is the base year for measuring levels of attendance rates. The 2002-03 school year is the base year for measuring levels of graduation rates. Schools which do not maintain appropriate levels, as set by the state board on the recommendation of the commissioner, may be placed on probation pursuant to § 49-1-602.

SECTION 5. Tennessee Code Annotated, Section 49-1-601(e), is amended by deleting the word "dropout" and by substituting instead the word "graduation".

SECTION 6. Tennessee Code Annotated, Section 49-1-602(d), is amended by deleting the words "for adequate yearly progress" and by substituting instead the words "specified in subsections 49-1-601(b), 49-1-601(c) and 49-1-601(d)".

SECTION 7. Tennessee Code Annotated, Section 49-1-602(f), is amended by deleting the words "for adequate yearly progress" and by substituting instead the words "specified in subsections 49-1-601(b), 49-1-601(c) and 49-1-601(d)".

SECTION 8. Tennessee Code Annotated, Section 49-1-610, is amended by deleting the section in its entirety and by substituting instead the following language:

All tests used in accordance with the provisions of this part shall be equivalent tests. Each year, at least seventy percent (70%) of items on each test must be fresh, nonredundant items that did not appear on that test in the previous four (4) years in grades three (3) through eight (8) and the previous three (3) years in subject-specific high school tests. The commissioner shall ensure that assessments used to measure academic progress required by this chapter meet acceptable standards of reliability and appropriately measure students at all levels of achievement.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3511**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 3410 -- Air Pollution -- Revises requirements concerning emissions testing of certain vehicles.

On motion, Senate Bill No. 3410 was made to conform with **House Bill No. 3498**.

On motion, House Bill No. 3498, on same subject, was substituted for Senate Bill No. 3410.

On motion of Senator Miller, Amendment No. 1 was withdrawn.

On motion of Senator Miller, Amendment No. 2 was withdrawn.

Senator Clabough moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting Section 2(a)(1) and by substituting instead the following:

(1) That have been designated by the Air Pollution Control Board to have an inspection and maintenance program because it is necessary to attain or maintain compliance with national ambient air standards, for which a resolution has been adopted by the governing body of the county specifically authorizing an inspection and maintenance program for the county; provided, however, the board may so designate only those counties that:

(A) Have been designated by the U.S. Environmental Protection Agency as not attaining the national ambient air standards;

(B) Are former non-attainment counties that are under a maintenance plan designed to continue to meet the national ambient air standards; or

(C) Have more than 50,000 motor vehicles registered in the county in the most recent year; or

Pursuant to Rule 39(3), Amendment No. 3 failed by the following vote:

Ayes 9
Noes 17

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Crowe, Ford, McNally, Norris and Person--9.

Senators voting no were: Burks, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, McLeary, Miller, Ramsey, Trail and Williams--17.

On motion of Senator Clabough, Amendment No. 4 was withdrawn.

Thereupon, **House Bill No. 3498** passed its third and final consideration by the following vote:

Ayes 23
Noes 7

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Senators voting aye were: Bryson, Burks, Cohen, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Ramsey, Trail, Williams and Mr. Speaker Wilder--23.

Senators voting no were: Atchley, Burchett, Clabough, Ford, McNally, Norris and Person--7.

A motion to reconsider was tabled.

Senate Bill No. 3413 -- Gas, Petroleum Products, Volatile Oils -- Allows petroleum underground storage tank board to determine amount of fiscal responsibility for tank owners or operators or owner of petroleum site for each occurrence of contamination and for third party claims. Amends TCA Title 67, Chapter 3 and Title 68, Chapter 215.

On motion, Senate Bill No. 3413 was made to conform with **House Bill No. 3496**.

On motion, House Bill No. 3496, on same subject, was substituted for Senate Bill No. 3413.

On motion of Senator Miller, Amendment No. 1 was withdrawn.

On motion of Senator Miller, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3496** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

Senate Bill No. 3428 -- Taxes -- Includes in net earnings for excise taxes deductible tangible expenses connected with affiliated business entities; revises other various franchise and excise tax provisions.

On motion, Senate Bill No. 3428 was made to conform with **House Bill No. 3483**.

On motion, House Bill No. 3483, on same subject, was substituted for Senate Bill No. 3428.

On motion of Senator Henry, Amendment No. 1 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following as a new section to precede the effective date section:

SECTION ____ Tennessee Code Annotated, Section 67-4-2108(a)(3), is amended by inserting the following language between the first and second sentences:

Notwithstanding any provision of this subdivision (3) to the contrary, railroad companies as defined by the uniform system of accounts in Part 1201 of Title 49, Code of Federal Regulations, as amended, may compute the value of their "property" in accordance with the method used for federal tax purposes so long as such method fairly reflects the property's value for purposes of the tax levied by this part.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3483**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--31.

A motion to reconsider was tabled.

Senate Bill No. 3449 -- Taxes, Excise -- Establishes procedures for requesting an extension of time in which to file tax return.

On motion, Senate Bill No. 3449 was made to conform with **House Bill No. 3545**.

On motion, House Bill No. 3545, on same subject, was substituted for Senate Bill No. 3449.

On motion of Senator Henry, Amendment No. 1 was withdrawn.

Senator Kilby moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "July 1, 2004" wherever it appears in the amendatory language of Section 4 and by substituting instead the language "January 1, 2004".

AND FURTHER AMEND by deleting the effective date section and by substituting instead the following:

SECTION ____ This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all tax years beginning on or after January 1, 2004, the public welfare requiring it.

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On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3545**, as amended, passed its third and final consideration by the following vote:

Ayes 30

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Speaker pro tempore Haynes moved that **Senate Bill No. 3522** be placed at the heel of the calendar for today, which motion prevailed.

Senate Joint Resolution No. 27 -- Memorials, Congress -- Urges passage of federal constitutional amendment to define marriage exclusively as "union of a man and a woman".

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the second preamble clause in its entirety, and by substituting instead the following language:

WHEREAS, reintroduced in the 108th Congress, the Federal Marriage Amendment, as amended, provides:

"Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman."; and

AND FURTHER AMEND by deleting the words "marital status" from the eighth preamble clause and by substituting instead the word "marriage".

AND FURTHER AMEND by deleting from the amendatory language of the first resolving clause all the language following the colon and by substituting instead the following language:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 27**, as amended, was adopted by the following vote:

Ayes 24
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Henry, Herron, Jackson, Kilby, Kunita, Kyle, McLeary, Miller, Norris, Person, Southerland, Trail and Williams--24.

Senator voting no was: Cohen--1.

A motion to reconsider was tabled.

Senate Joint Resolution No. 747 -- General Assembly, Studies -- Continues special joint committee on restructuring of electric utility industry until Feb. 28, 2005.

Senator Clabough moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the resolution in its entirety and by substituting instead the following:

A RESOLUTION to revive and continue the special joint committee to study the restructuring of the electric utility industry.

WHEREAS, the joint committee on electric utility deregulation was created by the One Hundredth General Assembly pursuant to Section 13, Chapter 531 of the Public Acts of 1997; and

WHEREAS, the study was undertaken in response to a national debate on electric utility industry deregulation, leading to retail competition of electric power and the action of several states to move toward electric utility industry restructuring and retail competition; and

WHEREAS, electricity is a necessity for individuals, businesses, industries, municipalities, and counties in this state; and

WHEREAS, the potential impact of electric power deregulation upon the citizens, businesses, and state and local governments of Tennessee is not yet fully understood; and

WHEREAS, congressional action may lead to radical changes in the Tennessee Valley Authority, which could profoundly affect the relationship between TVA on the one hand, and municipal electric companies, electric cooperatives, and Tennessee state and local governments on the other hand; and

WHEREAS, if TVA's status as a supplier of power is changed and its contractual arrangements with municipal and cooperative distributors is changed, and in-lieu-of-tax payments are then terminated, the State of Tennessee may be required to implement a statewide regulatory mechanism to protect consumers of electricity in areas not readily subject to regulation by market forces and to enact tax measures to recover revenue lost from in-lieu-of-tax payments; and

WHEREAS, inasmuch as potential changes in the status of TVA could have implications in the area of economic development, as well as state and local revenues, the

progress of congressional debate on the subject is of profound significance to the executive branch, as well as to the general assembly; and

WHEREAS, on March 21, 2002, Executive Order No. 31 lifted a seven-month moratorium on the state's issuance of permits to merchant electric generating plants (electric generating facilities of fifty (50) megawatts or larger that sell power to electric utilities for resale to retail customers); and

WHEREAS, prior to the moratorium, numerous merchant power companies had applied for state permits to build and operate electric generating plants in Tennessee due to our abundant natural resources, central location and proximity to natural gas and electric power lines; and

WHEREAS, in lieu of the moratorium, Executive Order No. 31 established a pilot project to allow the permitting of no more than four (4) new merchant electric generating plants in Tennessee between March 21, 2002, and January 1, 2004; and

WHEREAS, the pilot project requires merchant electric generating plants seeking a state permit to undergo a review by the Department of Economic and Community Development to assess the plant's potential economic and environmental impact; and

WHEREAS, after January 1, 2004, the Department of Economic and Community Development may continue to restrict the number of applications for merchant power plant permits that it will accept for review during each year; and

WHEREAS, while merchant electric generating plants may place additional demands on our natural resources, such facilities may also benefit economically the communities where they are located and may also play a significant role in meeting the energy needs of this state and nation; and

WHEREAS, this state's energy policy relative to the permitting of merchant electric generating plants is of great importance to all Tennesseans and should be carefully studied by this body; and

WHEREAS, it is the duty of this general assembly to see, to the best of its ability, that the citizens of this state, who are currently the beneficiaries of low electric rates, suffer no harm as to rates, environmental conditions, energy conservation programs, system reliability, universal service, and low-income assistance programs as a result of deregulation; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the special joint committee to study restructuring of the electric utility industry, created pursuant to Section 13, Chapter 531 of the Public Acts of 1997 and continued by House Joint Resolution No. 87 of the One Hundred First General Assembly, House Joint Resolution 659 of the One Hundred Second General Assembly, and House Joint Resolution No. 572 of the One Hundred Third General Assembly be revived and continued until February 28, 2005.

BE IT FURTHER RESOLVED, that the membership of the committee as constituted in Section 13(c) of Chapter 531 of the Public Acts of 1997, as augmented by action of the

Speakers of the Senate and House of Representatives pursuant to Chapter 836 of the Public Acts of 1998, and as provided by House Joint Resolution No. 87 of the One Hundred First General Assembly as amended, shall consist of seven (7) members of the House of Representatives appointed by the Speaker of the House with two (2) such members being from the House State and Local Government Committee, and seven (7) members of the Senate appointed by the Speaker of the Senate with two (2) such members being from the Senate State and Local Government Committee.

BE IT FURTHER RESOLVED, that the committee shall study the state's application, review and permit system for the siting of merchant electric generating plants and economic and environmental issues associated therewith.

BE IT FURTHER RESOLVED, that all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, that all legislative members of the special joint committee who are duly elected members of the general assembly shall remain members of such committee until the committee reports its findings and recommendations to the general assembly.

BE IT FURTHER RESOLVED, that in its deliberations, the special joint committee shall study and examine those issues set out in Section 13(d) of Chapter 531 of the Public Acts of 1997, as well as such other pertinent issues that may arise.

BE IT FURTHER RESOLVED, that the governor is urged to designate a person to act as a focal point for the executive branch concerning matters relating to electric utility industry restructuring to confer with the special joint committee on deregulation and restructuring issues and to participate in presenting a unified voice for the State of Tennessee in the national debate on electric utility industry deregulation and restructuring, particularly as it relates to the future of TVA.

BE IT FURTHER RESOLVED, that the special joint committee shall be convened by the member with the most years of continuous service in the general assembly, and at its first meeting shall elect a chair, vice chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, that the special joint committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred Fourth General Assembly no later than February 28, 2006, at which time the committee shall cease to exist.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Honorable Phil Bredesen, Governor of the State of Tennessee.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 747**, as amended, was adopted by the following vote:

Ayes 30
Noes 0
Present, not voting . . . 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--30.

Senator present and not voting was: Dixon--1.

A motion to reconsider was tabled.

Senator Cohen moved that **Senate Bill No. 2092** be placed on the calendar for Thursday, May 20, 2004, which motion prevailed.

Senator Graves moved that **Senate Bill No. 2213** be placed at the heel of the calendar for today, which motion prevailed.

Senate Bill No. 2711 -- Registers of Deeds -- Requires registers of deeds to accept instruments submitted with legal fees which exceed the required amount; allows a register of deeds to retain \$2.00 per instrument before refunding the remaining excess legal fees submitted. Amends TCA Title 8, Chapter 13, Part 1.

On motion, Senate Bill No. 2711 was made to conform with **House Bill No. 3146**.

On motion, House Bill No. 3146, on same subject, was substituted for Senate Bill No. 2711.

On motion of Senator Cohen, Amendment No. 1 was withdrawn.

On motion of Senator Norris, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3146** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--31.

A motion to reconsider was tabled.

On motion of Senator Miller, **Senate Bill No. 2897** was withdrawn from the Senate.

Senate Bill No. 2979 -- Safety -- Empowers the Department of Health to inspect, test and quarantine any property used for the manufacture of methamphetamine, and allows those activities to be considered in the calculation of restitution for the cost of making the property safe for human use. Amends TCA Title 68.

On motion, Senate Bill No. 2979 was made to conform with **House Bill No. 2385**.

On motion, House Bill No. 2385, on same subject, was substituted for Senate Bill No. 2979.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 7 of this act as a new part.

SECTION 2. As used in this part, the "commissioner" means the Commissioner of Environment and Conservation.

SECTION 3. The commissioner shall compile and maintain a list of certified industrial hygienists and a list of persons authorized to perform clean-up of hazardous waste sites, including but not limited to property used to manufacture methamphetamine. Such property may include, but is not limited to, leased or rented property such as a hotel or motel room, rented home or apartment, or any residential property. Such lists may also be posted on the Web site maintained by the commissioner.

SECTION 4. Following a reported violation on such property of § 39-17-417(a)(1) involving a controlled substance listed in § 39-17-408(d)(2), such property shall be quarantined either by the commissioner or the local law enforcement agency where such property is located. The commissioner or the law enforcement agency which quarantines the property shall be responsible for posting signs indicating that the property has been quarantined.

SECTION 5. The commissioner is authorized to promulgate rules concerning the inspection, testing and quarantine of the property.

SECTION 6. Once the property has been quarantined, the property owner shall contact either a certified industrial hygienist from the list maintained by the commissioner to perform appropriate testing on the property to determine whether hazardous waste is present on the property, or a contractor from the list maintained by the commissioner for clean-up and removal of all hazardous waste from the property. The property must remain quarantined until a certified industrial hygienist certifies to the quarantining agency that the property is safe for human use.

SECTION 7. Any inspection, testing or quarantine conducted pursuant to this act shall be considered when calculating the appropriate restitution under § 39-17-417 (c)(2)(B); provided that, it is the ultimate responsibility of the property owner to secure funding for testing and clean-up of such property.

SECTION 8. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2385**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--30.

A motion to reconsider was tabled.

Senate Bill No. 3099 -- Education -- Requires school nurses to maintain current certification in CPR and schools to have at least one employee or volunteer who is certified in CPR. Amends TCA Section 49-5-414 and Section 49-3-359.

On motion, Senate Bill No. 3099 was made to conform with **House Bill No. 2960**.

On motion, House Bill No. 2960, on same subject, was substituted for Senate Bill No. 3099.

On motion of Senator Person, Amendment No. 1 was withdrawn.

Senator Person moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-3-359(c)(2), is amended by adding the following sentence at the end of the subdivision:

Each public school nurse employed by or provided to an LEA shall maintain current certification through a certifying cardiopulmonary resuscitation course consistent with the scientific guidelines of the American Heart Association in collaboration with the International Liaison Committee on Resuscitation.

SECTION 2. Tennessee Code Annotated, Section 49-5-414, is amended by deleting the words "is encouraged to" and by substituting instead the word "shall".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2960**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

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Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

Senator Miller moved that **Senate Bill No. 3225** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 3337 -- Special License Plates -- Authorizes issuance of new specialty earmarked license plates to honor Tennessee's teachers; allocates 50 percent of funds produced from sale thereof, minus expenses, to local schools, local school systems or educational foundations pursuant to allocation formula established for "Helping Schools" plates. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3337 passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

Senator McNally moved that **Senate Resolution No. 158**, as amended, be rereferred to the Committee on Calendar, which motion prevailed.

Senate Resolution No. 217 -- Memorials, Death -- Judge Houston Monroe Goddard.

Senate Resolution No. 217 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 2209, AS AMENDED

Senator Kilby moved that **House Bill No. 2209**, as amended, be placed on the calendar for Thursday, May 20, 2004, which motion prevailed.

Senator Cohen moved that **Senate Bill No. 2973** be placed on the calendar for Thursday, May 20, 2004, which motion prevailed.

Senate Bill No. 3295 -- Tort Liability -- Provides, for certain purposes, that the value of a guide dog that is wrongfully killed or permanently disabled shall be the cost of the guide dog as well as the cost of any specialized training received by the guide dog. Amends TCA Title 29, Chapter 13, Part 1; Title 39, Chapter 14, Part 2 and Title 44, Chapter 17, Part 4.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 4 in its entirety, by substituting instead the following language and by renumbering the effective date section accordingly:

SECTION 4. Tennessee Code Annotated, Section 39-14-212(i), is amended by designating the existing language as subdivision (i)(1) and by adding the following language as a new subdivision:

(2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

SECTION 5. Tennessee Code Annotated, Section 44-17-403(a), is amended by designating the existing language as subdivision (a)(1) and by adding the following language as a new subdivision:

(2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

On motion, Amendment No. 1 was adopted.

Senator Person moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 44-17-403, is amended by deleting subsection (f).

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following as a new, appropriately designated section to precede the last section and by renumbering the last section accordingly:

SECTION _____. Tennessee Code Annotated, Section 44-17-403, is amended by deleting the language "up to four thousand dollars (\$4,000)" and by substituting instead the language "up to five thousand dollars (\$5,000)".

On motion, Amendment No. 3 was adopted.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting Section 4 in its entirety, by substituting instead the following language and by renumbering the effective date section accordingly:

SECTION 4. Tennessee Code Annotated, Section 39-14-212(i), is amended by designating the existing language as subdivision (i)(1) and by adding the following language as a new subdivision:

(2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

SECTION 5. Tennessee Code Annotated, Section 44-17-403(a), is amended by designating the existing language as subdivision (a)(1) and by adding the following language as a new subdivision:

(2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

AND FURTHER AMEND by adding the following as new, appropriately designated sections to precede the effective date section and by renumbering the effective date section accordingly:

SECTION _____. Tennessee Code Annotated, Section 44-17-403, is amended by deleting subsection (f).

SECTION _____. Tennessee Code Annotated, Section 44-17-403, is amended by deleting the language "up to four thousand dollars (\$4,000)" and by substituting instead the language "up to five thousand dollars (\$5,000)".

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 4 was adopted.

Thereupon, **Senate Bill No. 3295**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--31.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

Senate Bill No. 2347 -- Election Laws -- Authorizes each county election commission to develop Internet-based electronic filing process for use by candidates for local public office and political campaign committees for a local election in such county or in municipalities located in such county. Amends TCA Title 2, Chapter 12, Part 1.

On motion, Senate Bill No. 2347 was made to conform with **House Bill No. 3175**.

On motion, House Bill No. 3175, on same subject, was substituted for Senate Bill No. 2347.

On motion of Senator Cohen, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3175** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Bill No. 2328** be placed on the calendar for Thursday, May 20, 2004, which motion prevailed.

Senate Bill No. 2213 -- Traffic Safety -- Requires trailers manufactured and sold within Tennessee, or sold within Tennessee, with GVWR of 3,000 lbs. or less to be equipped with new tires beginning January 1, 2005. Amends TCA Title 55, Chapter 9, Part 2.

On motion, Senate Bill No. 2213 was made to conform with **House Bill No. 2196**.

On motion, House Bill No. 2196, on same subject, was substituted for Senate Bill No. 2213.

On motion of Senator Williams, Amendment No. 1 was withdrawn.

On motion of Senator Williams, Amendment No. 2 was withdrawn.

Senator Williams moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following as a new section to precede the effective date section:

SECTION ____ A violation of this act shall be deemed an offense under the Consumer Protection Act, compiled in Title 47, Chapter 18. A civil penalty of not more than one hundred fifty dollars (\$150) may be imposed for a violation of this act.

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 2196**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 3522 -- Food and Food Products -- Exempts from food service establishment requirements occasional sales of food by senior citizens community centers that are less than 125 hours in duration. Amends TCA Section 68-14-302(6).

On motion, Senate Bill No. 3522 was made to conform with **House Bill No. 3591**.

On motion, House Bill No. 3591, on same subject, was substituted for Senate Bill No. 3522.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-14-302(6), is amended by designating the existing language as item (A) and by adding the following language as a new item (B):

(B) "Food service establishment" does not include casual, occasional food sales that are one hundred twenty-five (125) consecutive hours or less and are conducted solely in connection with senior citizens community centers. The

provisions of this item shall only apply in any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census. The site at which such casual, occasional food sales are conducted shall be required to contain signs posted by the sponsors that are conspicuously placed at every entrance to the site and at every place on that site at which the food is cooked, stored and/or served which contains the following language in lettering that is clearly readable at a distance of ten (10) feet:

THE FOOD SERVICE PROVIDED AT THIS SITE IS BEING PROVIDED WITHOUT AUTHORIZATION FROM, OR ANY REGULATION, INSPECTION OR OVERSIGHT, BY THE DEPARTMENT OF HEALTH OR ANY HEALTH REGULATORY AGENCY.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Kurita moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it but shall be repealed one year after its effective date.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	18
Noes	2
Present, not voting . . .	2

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, Person and Ramsey--18.

Senators voting no were: Ford and McNally--2.

Senators present and not voting were: Trail and Williams--2.

Thereupon, **House Bill No. 3591**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	1
Present, not voting . . .	1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita,

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McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Williams and Mr. Speaker Wilder--28.

Senator voting no was: Herron--1.

Senator present and not voting was: Trail--1.

A motion to reconsider was tabled.

MOTION

Senator Haynes moved that **Senate Bill No. 3423** be placed on the calendar for Thursday, May 20, 2004, which motion prevailed.

MOTION

Senator Henry moved that the rules be suspended for the purpose of considering **House Bill No. 3399**, out of order, which motion prevailed.

House Bill No. 3399 -- Public Funds and Financing -- Requires that annual adjustments to the base tax revenues of the tourism development zone be made by the Department of Revenue within 60 days of the end of each fiscal year instead of within 90 days of the end of each fiscal year. Amends TCA Title 7, Chapter 88, Part 1.

Senator Henry moved to lift from the table a motion to reconsider on **House Bill No. 3399**, which motion prevailed.

Senator Henry moved that the Senate reconsider its action in passing **House Bill No. 3399**, which motion prevailed.

Senator Henry moved that the Senate reconsider its action in adopting Amendment No. 3 to **House Bill No. 3399**, which motion prevailed.

Senator Henry moved that Amendment No. 3 to **House Bill No. 3399** be withdrawn, which motion prevailed.

Senator Henry moved to amend as follows:

AMENDMENT NO. 4

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. It is the express intent of the general assembly that the enactment of this act will not affect applications which as of the date of passage of this act either have already been approved by the state or for which a letter of intent has been filed with the Commissioner of Finance and Administration.

Pursuant to Rule 39(3), Amendment No. 4 was adopted by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

Thereupon, **House Bill No. 3399**, as amended, was passed on third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

MOTION

Senator Williams moved that Rule 83 be suspended for the purpose of allowing the Committee on Transportation to meet immediately after Session today to consider **House Joint Resolutions Nos. 977, 1012, 1013 and 1088**, which motion prevailed.

STANDING COMMITTEE REPORT

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Joint Resolutions Nos. 977, 1012, 1013 and 1088.

WILLIAMS, Chairperson
May 19, 2004

The Speaker announced that he had referred House Joint Resolutions Nos. 977, 1012, 1013 and 1088 to Committee on Calendar.

MOTION

On motion of Mr. Speaker Wilder, his name was added as sponsor of **House Joint Resolutions Nos. 926, 1198, 1225, 1246 and 1252**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolutions Nos. 978, 1006, 1212 and 1235; and Senate Resolution No. 257**.

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolutions Nos. 1230 and 1268**.

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On motion of Senator Miller, his name was added as sponsor of **House Joint Resolutions Nos. 1270 and 1271.**

On motion of Senators McNally, Dixon, Burks, Atchley, Crowe, Crutchfield, Graves, Ketron and Trail, their names were added as sponsors of **Senate Bill No. 2617.**

On motion of Senators Kurita and McLeary, their names were added as sponsors of **Senate Bill No. 2143.**

On motion of Senator Kyle, his name was added as prime sponsor of **Senate Bill No. 2789.**

On motion, all Senators' names were added as sponsors of **House Joint Resolution No. 1088; Senate Joint Resolutions Nos. 1147, 1176 and 1200; House Joint Resolutions Nos. 1266 and 1267; and Senate Resolution No. 222.**

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolution No. 837; and Senate Bills Nos. 2143, 2628, 2664 and 3487.**

On motion of Senator Kyle, his name was added as sponsor of **Senate Resolutions Nos. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264 and 265; House Joint Resolution No. 1280; and Senate Joint Resolutions Nos. 1153 and 1193.**

On motion of Senator Williams, his name was added as sponsor of **House Joint Resolution No. 990; and Senate Bills Nos. 2143, 2431, 2473 and 2589.**

On motion of Senators Kyle, Ford, Miller and Dixon, their names were added as sponsors of **Senate Bill No. 2628.**

On motion of Senators Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder, their names were added as sponsors of **Senate Bill No. 2473.**

On motion of Senator Burchett, his name was added as sponsor of **Senate Bill No. 2312.**

On motion of Senator Fowler, his name was added as sponsor of **Senate Bills Nos. 1368, 2143 and 3364.**

On motion of Senator Kurita, her name was added as sponsor of **House Joint Resolutions Nos. 1256 and 1260; and Senate Bills Nos. 2143, 2347, 2664, 2979, 3017 and 3159.**

On motion, all Senators' names were added as sponsors of **House Joint Resolutions Nos. 1266 and 1267.**

On motion of Senator Crowe, his name was added as sponsor of **House Joint Resolution No. 1279 and Senate Bill No. 2312.**

On motion of Senator Crutchfield, his name was added as sponsor of **House Joint Resolution No. 1286.**

On motion of Senator Harper, her name was added as sponsor of **Senate Resolution No. 218.**

On motion of Senator Person, his name was added as sponsor of **Senate Joint Resolution No. 1148 and Senate Bill No. 176.**

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolution No. 1148.**

On motion of Senator Atchley, his name was added as sponsor of **Senate Resolution No. 225.**

On motion of Senator Cohen, his name was added as sponsor of **Senate Bills Nos. 3095 and 3449; House Joint Resolutions Nos. 957, 1246 and 1280; and Senate Joint Resolution No. 800.**

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolutions Nos. 978 and 1263; and Senate Bills Nos. 1368 and 2951.**

On motion of Senator McLeary, his name was added as sponsor of **House Joint Resolution No. 940 and Senate Bill No. 2312.**

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolutions Nos. 978, 1006, 1212, 1235 and 1236; and Senate Resolution No. 257.**

On motion of Senator Bryson, his name was added as sponsor of **House Joint Resolutions Nos. 1219 and 1234.**

On motion of Senator Haynes, his name was added as sponsor of **House Joint Resolution No. 1231 and Senate Joint Resolution No. 1148.**

On motion of Senator Norris, his name was added as sponsor of **House Joint Resolutions Nos. 990 and 1246; and Senate Joint Resolutions Nos. 1162 and 1163.**

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolutions Nos. 1253, 1254, 1255 and 1280; and Senate Resolutions Nos. 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264 and 265.**

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 1218 and 1229.**

On motion of Senator Kilby, his name was added as sponsor of **Senate Bills Nos. 2167 and 3288.**

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 3487.**

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolutions Nos. 978, 1247 and 1284; Senate Resolution No. 223; and Senate Bills Nos. 827, 1364, 2589, 2734, 3017, 3180, 3297 and 3364.**

On motion of Senator Trail, his name was added as sponsor of **Senate Resolutions Nos. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261 and 264; Senate Bill No. 429; and House Joint Resolutions Nos. 870, 1213, 1214, 1215, 1226, 1227, 1228, 1240, 1241, 1242, 1243, 1244, 1245, 1258, 1259 and 1261.**

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1181, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1188, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 3288; and Senate Joint Resolution No. 1200; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 800, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 3487, 3514, 3517 and 3523; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1153, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bill No. 3516; and Senate Joint Resolutions Nos. 1004, 1021, 1147, 1148, 1151, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1176 and 1177; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 555, 2228, 2850, 3314 and 3415; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 1179, 1201 and 1203; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 672, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 3295 and 3337; and Senate Joint Resolutions Nos. 27, 747, 1180, 1182, 1183, 1184, 1187, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199 and 1202; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3617 and 3619, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2674, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 131, 724, 1364, 3291, 3336 and 3591; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1972, 2249, 2385, 3169, 3449 and 3458; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1302 and 2976, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1573, 2166, 2931, 3008, 3067, 3146, 3429 and 3603; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 779, 3252 and 3403; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 773, 1009, 1198, 1252, 1287, 1288, 1289 and 1290; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 792, 953, 1047 and 1314; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1292, 1293, 1294, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312 and 1313; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1225, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3189, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2392, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 715, 975, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1142, 1143 and 1178; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1153 and 1188, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return Senate Joint Resolution No. 71. The House had its first reading on May 12, 2004, its second reading on May 13, 2004, its third reading on May 19, 2004, and was concurred in on May 19, 2004.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

May 17, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 236, 348, 990, 1083, 2051, 2063, 2080, 2240, 2266, 2279, 2285, 2365, 2373, 2468, 2581, 3170, 3226, 3285, 3358, 3430 and 3506; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 1153, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 218, 219, 220, 222, 223, 224, 225, 226 and 227; and Senate Joint Resolutions Nos. 715, 975, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1142, 1143, 1178 and 1188; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 17, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1047, 2343, 2601, 2708, 2730, 2883, 2889, 2934, 3242, 3249, 3364, 3499, 3512, 3544, 3564, 3600, 3602, 3605, 3608, 3609 and 3616; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 17, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 939, 997, 1002, 1011, 1043, 1076, 1079 and 1207; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

May 17, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 236, 348, 990, 1083, 2051, 2063, 2080, 2240, 2266, 2279, 2285, 2365, 2373, 2468, 2581, 3170, 3226, 3285, 3358, 3430 and 3506; and House Bills Nos. 39, 2141, 2225, 2260, 2263, 2327, 2338, 2353, 2653, 2848, 3338, 3404, 3459, 3479, 3495, 3529, 3535 and 3590.

SIGNED

May 17, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 939, 997, 1002, 1011, 1043, 1076, 1079 and 1207.

SIGNED

May 18, 2004

The Speaker announced that he had signed the following: House Bills Nos. 1047, 2343, 2601, 2708, 2730, 2883, 2889, 2934, 3242, 3249, 3364, 3499, 3512, 3544, 3564, 3600, 3602, 3605, 3608, 3609 and 3616.

SIGNED

May 19, 2004

The Speaker announced that he had signed the following: Senate Joint Resolution No. 1153.

SIGNED

May 19, 2004

The Speaker announced that he had signed the following: Senate Resolutions Nos. 218, 219, 220, 222, 223, 224, 225, 226 and 227; and Senate Joint Resolutions Nos. 715, 975, 1124,

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1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1142, 1143, 1178 and 1188.

MESSAGE FROM THE HOUSE

May 18, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 236, 348, 990, 1083, 2051, 2063, 2080, 2240, 2266, 2279, 2285, 2365, 2373, 2468, 2581, 3170, 3226, 3285, 3358, 3430 and 3506; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 1153, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 19, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 715, 975, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1142, 1143, 1178 and 1188; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 18, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 236, 348, 990, 1083, 2051, 2063, 2080, 2240, 2266, 2279, 2285, 2365, 2373, 2468, 2581, 3170, 3226, 3285, 3358, 3430 and 3506; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 19, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 1153, for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

WEDNESDAY, MAY 19, 2004 -- 90TH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

May 13, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 3305, per your request.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 18, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 1539, 1884, 2119, 2148, 2162, 2205, 2207, 2252, 2263, 2314, 2346, 2371, 2474, 2477, 2524, 2556, 2616, 2681, 2832, 3008, 3228, 3257, 3258, 3359, 3371, 3391, 3466 and 3502; and Senate Joint Resolution No. 1175; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 19, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 135, 1600, 3215 and 3235; and Senate Joint Resolution No. 1153; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 20, 2004: Senate Resolution No. 268; and House Joint Resolutions Nos. 1287, 1288, 1289, 1290, 1292, 1293, 1294, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313 and 1314.

This the 19th day of May, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 20, 2004: Senate Bills Nos. 784, 2065, 2842, 3385 and 3417.

This the 19th day of May, 2004.
CROWE, Chairperson.

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**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, May 20, 2004: Senate Bill No. 3527.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 20, 2004: House Joint Resolutions Nos. 776 and 1078; Senate Bills Nos. 30, 117, 429, 525, 532, 1388, 1681, 2134, 2277, 2351, 2429, 2457, 3424, 2458, 2505, 2520, 2606, 2617, 2689, 2861, 2975, 2976, 3016, 3019, 3057, 3093, 3148, 1352, 3153, 3159, 3209, 3217, 3219, 3252, 3302, 3326, 3342, 3434, 3438, 3456, 2987, 3297, 3504, 2092, 2328, 2973 and 3225; and House Bill No. 2209.

This the 19th day of May, 2004.
CROWE, Chairperson.

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, May 20, 2004: Senate Bills Nos. 596, 601, 2137, 2152, 2180, 2329, 2419, 2479, 2571, 2594, 2915, 2916, 3066, 3100, 3115, 3137, 3320 and 3336; and House Bills Nos. 1249, 2276, 2565 and 2813.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:30 a.m., Thursday, May 20, 2004, which motion prevailed.